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ABSTRACT

This manual contains information to help predominantly white suburban school systems achieve racial integration and provide equal education and equal employment opportunities. The manual advocates a comprehensive approach that would direct affirmative action at students, curricular and extracurricular programs, all phases of employment, and public policy affecting housing. One section of the manual discusses the Constitutional and statutory basis of equal education and equal employment opportunity. Two succeeding sections describe the evolution of court litigation concerning discrimination in education and in employment. Another section provides suggestions for planning and implementing an equal education/equal employment opportunity program in racially segregated suburban schools by identifying factors essential to successful desegregation programs and describing how to develop an affirmative action policy and program. A final section discusses how, in a comprehensive approach, education, employment, and housing are linked; distinguishes between integration and desegregation; and demonstrates how equal opportunity reflects American ideals. Appendices provide supplementary information for implementing affirmative action programs in suburban schools. (Author/MJL)

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COMPREHENSIVE AFFIRMATIVE ACTION FOR EQUAL EDUCATIONAL OPPORTUNITY IN THE RACIALLY ISOLATED AND PREDOMINANTLY WHITE SUBURBAN SCHOOL DISTRICT

BEST COPY AVAILABLE

by

Dr. Lawrence C. Howard
Dr. Ogle B. Duff
Dr. Marion L. Poole

University of Pittsburgh
Race Desegregation Assistance Center

June 1981

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A culturally integrated school does not develop in a vacuum. Ideas, plans, strategies have no value when leadership is lacking. Culturally integrated schools will come into existence where the hearts and the minds of local citizens, under responsible leadership, work together for the mutual benefit of all children.

Marion L. Poole

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June 1981

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412-624-5865

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Ogle B. Duff, Director
Race Desegregation Assistance Center

FOREWORD

Many suburban schools are racially, ethnically, and often economically isolated. Typically, these schools have little, if any, representation of Blacks or other minorities on their staffs or in their student bodies. Also, they often have few minorities or women in top administrative positions. For the racially isolated but white suburban school, much of the debate about equal educational opportunity and affirmative action has been regarded as irrelevant or something to be resisted. This Manual confronts such attitudes by urging the racially isolated, predominantly white suburban school to address both equal educational opportunity and equal employment opportunity in order to provide relevant and quality education to the students and thus avoid increasingly costly litigation.

The pursuit of equal opportunity in education and employment is closely tied to the search for quality education. Quite clearly, segregated education, either de facto or de jure, is inferior education for students who have to live their adult lives in a multicultural world. Suburban schools, too, must adopt a pluralistic approach to education as a means of providing a higher quality education for whites as well as for minority students, for males as well as females.

Often administrators and teachers are intellectually committed to quality integrated education but lack the tools to carry their intention into effect. This Manual provides both the rationale and a variety of techniques for achieving the goals of equal education and equal employment opportunity.

The Race Desegregation Assistance Center (RDAC), funded under Title IV of the Civil Rights Act of 1964, has been established to assist school districts in overcoming problems of school desegregation relating to instruction, curriculum, administration, school personnel, student activities, and community relations.

The Race Desegregation Assistance Center provides this Manual for those racially isolated suburban school districts which are not yet confronted with an urgent, public demand for affirmative action to achieve an integrated quality education throughout the district.

Ogle B. Duff, Director
Race Desegregation Assistance Center

BIOGRAPHICAL SKETCHES

Dr. Lawrence C. Howard. Professor Howard has taught at Hofstra University, Brandeis University and has been the Dean of the Graduate School of Public and International Affairs at the University of Pittsburgh. He has been a vice president of the Danforth Foundation and a Director of the Institute of Human Relations at the University of Wisconsin. Dr. Howard has published widely in administrative fields. His most recent book is Public Administration and Public Policy: A Minority Perspective. Professor Howard's major teaching areas have been personnel administrative theory, urbanization, and African development policy.

Dr. Ogle Burks Duff. Dr. Duff, an associate professor in the School of Education at the University of Pittsburgh, has taught at Douglass High School and Huntington High School in Huntington, West Virginia. She has taught at Marshall University where she designed the Black literature program. Prior to becoming director of the Race Desegregation Assistance Center, she was a staff specialist and coordinator of conferences and workshops. She was also a university supervisor of student teachers. She has served as consultant on desegregation to numerous school districts in Pennsylvania, Delaware, and Maryland, as well as the United States Department of Education. Her most recent publication is "Student Concerns: Discipline, Academic Achievement, and Community Involvement in a Desegregated Setting."

Dr. Marion L. Poole. Dr. Poole has taught in the Pittsburgh Public Schools and at the University of Pittsburgh where he was Director of the Teacher Corps-Urban Internship Program. He has been a staff specialist, principal research assistant, and consultant in the University of Pittsburgh Race Desegregation Assistance Center since its inception. For the past eight years he has acted as chief consultant and coordinator for the Race Desegregation Assistance Center's inservice activities in the state of Delaware. He has also devised and taught courses in human relations and intergroup relations.

WHAT'S IN IT FOR US? (For the white suburban districts)

In order for school districts to move toward integrated education we must come to see the advantages as outweighing real or imaged disadvanages. Here are some thoughts on possible benefits:

1. Lowered levels of disruption. Increasingly, the isolated suburban school districts experience racial incidents despite small numbers of minorities in the student body. Disruptions range from isolated fights to larger scale riots which make necessary the closing of schools. Comprehensive approaches toward integrated education are esential to lowering these levels of disruption.

2. Better preparation for working in a multicultural world. Increasingly the world of work is literally worldwide. Most successful businesses and all levels of government require effective interaction with peoples of many class, ethnic, and national origins. The minority population of the United States--to say nothing of women as a minority group--is growing steadily. Non-minority whites cannot escape working closely with and living among nonwhites. Any student is disadvantaged without personal experience in multicultural living.

3. A model of democracy. The American ideal of a free and democratic society contains themes of justice, equity, and equal opportunity. The school has a major responsibility in both transmitting these values and in preparing students to be themselves good transmitters of American ideals. It is difficult to offer the idea of democracy in the reality of segregation.

4. Guidance. Counselors in the racially isolated schools increasingly report high levels of hostility in minority high school students. The counselors are not only surprised by these feelings; more to the point they need help in understanding the basis for such feelings in order to undertake the counseling they are paid to offer.

5. Intercultural experience. On the other side teachers observe raw racist behavior. White students acting pathologically and out of ignorance reflect a neglected base in healthful intercultural experiences.

6. Updated assessments. Ironically, persistent images about monwhites remain in the civil rights mold of the sixties or of minorities as welfare recipients pushing into inte-

grate with whites. In fact the racially isolated white suburban school is more likely to encounter blacks who know their "roots," are middle class, and cool towards white peers. No wonder that black/white body language is provocative!

7. Minorities no longer invisible. Much of the uninformed white view of nonwhites is simply that nonwhites are seen as not being white. Such myopic vision can only produce misunderstanding and is more likely to breed deep and abiding hostility among racial and ethnic groups.

8. Modernized curricula. The realization that students are not simply white and middle class can mean opportunities for learning not only in the classroom but in every phase of school activities.

9. Examination of resistance. It is essential for racially isolated white schools to examine the resistance to integration: fear of violence, expected watering down of instruction, deterioration in language patterns, social mixing, or whatever. How real and eminent are these fears?

10. New resources. A commitment to quality integrated education will unfreeze resources even as a commitment to segregated education will bring added costs and diminished levels of education achievement. Racial isolation is costly and yields few measurable benefits.

It's hard to imagine a school system that doesn't want: amity in the student body, multicultural learning, democratic models, effective counseling, students with greater interpersonal competence, prejudices surfaced and dissipated, modernized curricula, and quality education.

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EQUAL EDUCATIONAL AND EQUAL EMPLOYMENT OPPORTUNITY: A COMPREHENSIVE APPORACH

Affirmative Action to achieve both Equal Educational and Equal Employment Opportunity (EE/EEO) must now become a priority concern for the racially isolated suburban school system seeking to provide quality education. EE/EEO can provide significant benefits for white as well as for minority youth, for male as well as for female staff, because providing opportunity for all is a basic purpose of every school system. In essence this Manual is about how to achieve quality integrated education.

Quality education, as used in this Manual, is:

> An adaptive, multifaced process which provides a nurturing psychological environment reinforced by strong support, guidance, and instructional systems which prepare individuals to function effectively in a mobile, multiethnic, technologically oriented society; enabling them to actualize their potentials, pursue their aspirations, and understand their obligations to society.[1]

This Manual provides assistance to the predominantly white school systems to assist them in overcoming the mal-education practices inevitably associated with racial and economic isolation. By racial isolation we mean school systems that have fewer minority students and staff than their percentages in the national population, too few to make the minority presence felt in other than token ways. Racial and economic isolation produces ethnocentric and myopic distortions of the realities of America and the

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[1] NAACP, Report on Quality Education for Black Americans: An Imperative. (New York: NAACP Special Contribution Fund, 1977), p. 15.

world. Isolation leaves students unprepared for both career and community life. An unwillingness to work affirmatively to overcome the discriminatory results of this isolation can also lead to costly litigation around violations of federal and state law which now mandate affirmative action to achieve integrated education.

Until recently the struggle for equal education opportunity focused on the students in predominantly minority (black or Hispanic) schools in urban areas. Racial isolation popularly meant too few whites in urban school systems. The move to achieve school desegregation concentrated on overcoming the dual or Jim Crow system of education. Busing was the major instrument employed and, on the whole this meant bringing minorities to previously white schools. The myth has also persisted that school integration was solely for the benefit of blacks at white expense. Twenty-five years of struggle to desegregate the schools have brought out, however, how discriminatory practices in the schools victimize many groups: women, those with Spanish culture, the handicapped, those over 45, national and religious minorities. With recent guarantees that there be no reverse discrimination, it is further clear that <u>equal education and equal employement opportunity are rights for everyone</u>.

The racially isolated suburban school district, like all other districts, is now on notice to end discriminatory practices. The fact that suburban schools are perceived--and some studies indicate misperceived--as the products of

white flight, their struggle to achieve quality integrated education may be more difficult than that faced by urban districts.

In much of the country desegregation remains difficult to implement. Presently a fifth of the nation's 6.6 million black youth still attend schools that are almost all black in enrollment, and more than half still attend schools that are more than half black. The obverse of this is the far more numerous adjacent suburban districts that are almost all white. They have a similar acute need to desegregate. Most suburban schools not only lack minority students, they also still favor male students particularly in their athletic and career guidance programs; their staffs, especially at upper administrative levels, contain few women or minorities and almost no handicapped persons; and they are far less experienced in dealing with desegregation problems. Despite mounting evidence of unsatisfactory academic achievement by high school graduates, curriculum and instructional reform has come slowly. White parent opposition to the busing of inner city blacks to suburban schools--in the face of clear evidence that black youth will gain academically and white youth socially--further points up the dramatic resistance predominantly white schools face in expanding opportunity for all groups as provided for by the Civil Rights Act of 1964.

Affirmative action for equal education and employment opportunity in suburban districts requires a comprehensive approach encompassing *pupils*, programs and personnel within

the district and public actions affecting housing patterns both in the immediate and adjoining political jurisdictions. First, attention must be given to pupils in the full range of their status as groups covered by anti-discrimination law, i.e., as women, the handicapped, those over 45, national and religious minorities as well as their legal status as blacks and hispanics. A comprehensive approach secondly means taking into account the full range of curricular and co-curricular *programs* with special attention going to athletic and social activities. Third, a comprehensive approach must scrutinize all phases of the *employment process* from recruitment through retirement arrangements. Finally, attention must extend to any public act by the local government that might affect conditions such as housing patterns which could impact upon patterns of segregation.

The Manual is divided into five segments. Part II, which follows this Introduction, presents the Constitutional and statutory basis of EE/EEO law. The next two sections cover evolving litigation, first in the educational and then in the employment fields. Part V addresses how to achieve equal opportunity results in racially isolated suburban schools. The final section of the Manual is devoted to relating desegregation and integration patterns.

This Manual addresses the needs of the predominantly white suburban schools. Desegregation usually means to eliminate the all-minority school, but it also includes exorcising the virtually all-white school. This is especially the case where such suburban school administrators think of their schools as "white," where these administrators attempt to perpetuate a white-only oriented school experience.

II.

THE CONSTITUTIONAL AND STATUTORY BASIS FOR EE/EEO

Both equal education and equal employment opportunity mandates derive from the United States Constitution. What follows are *eleven points of guidance* that flow from the Constitution and from the case and statutory law that has grown up in support of equal opportunity for all.

The Thirteenth Amendment, ratified in 1865, is the beginning point. It states:

> Slavery and involuntary servitude except as a penal measure is unconstitutional.

Pursuant to that prescription, Congress enacted the Civil Rights Act of 1866 (United States Code 42: #1981) which was designed to bring about a social transformation from the inequalities of slavery. It provides:

> All persons within the jurisdiction of the United States shall have the same right in every state to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind and to no other.

Discrimination on grounds of race has been held a violation of #1981 particularly if it prevents a citizen from making a valid contract. (This right has not been extended to discrimination on the grounds of sex or other minority status as the Thirteenth Amendment was to eliminate the legal disabilities suffered by blacks under slavery.) Of key importance to school administrators is that the #1981 *authorizes an aggrieved individual to initiate suit in the federal courts where discrimi-*

nation on the grounds of race is charged.

Broader in scope than the Thirteenth Amendment but limited to cases in which there is significant "state action" is the Fourteenth Amendment, ratified in 1868. The Fourteenth Amendment reads:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Civil Rights Act of 1964 which was based on the Fourteenth Amendment states (United States Code 42: #1983):

> Every person who, under color of any statue, ordinance, regulation, custom, or usage, of any State or Territory, subjects or causes to be subjected, any citizens . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the person injured.

Section 1983 authorizes suits for money damages directly against school officials charged with perpetuating discriminatory practices.

A third Constitutional provision, the Fifth Amendment which was ratified in 1791, restricts actions by the federal government by stating that, "No person shall be . . . deprived of life, liberty or property without due process of law." The Supreme Court, in now well established precedents, has held that the provisions of the Fifth Amendment reach the actions of states as well. While this Amendment has not been followed-up by a specific statue, from this Amendment has come a number of presidential initiatives, the most important of which is *Executive Order 11246 which prohibits employment discrimination based on sex as well as on race, color, religion, or national origin.*

This in effect advances equal opportunities.

The first major statute requiring equal employment opportunity was the Fair Labor Standard Act of 1938. That law proscribes unfair labor practices. Another effort to assure fair standards is the Equal Pay Act of 1963 which provides:

> No employer . . . shall discriminate between employees on the basis of sex by paying wages to employees . . . at a rate less than the rate at which he pays wages to employees of the opposite sex . . . for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

Unequal treatment of male and female employees can lead to costly charges of discrimination. Contrary to these injunctions some school administrators place women in positions that are less desirable than those given men and pay them less. To avoid discriminatory charges these conditions must be changed.

The major legislative enactment which established the policy of equal employment opportunity is the Civil Rights Act of 1964. Title VII makes it unlawful:

1. to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

2. to limit, segregate, or classify any employee or applicants for employment or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

The United States Equal Employment Opportunity Commission (USEEOC) authorized by the Civil Rights Act of 1964 has become the major instrument for investigation, conciliation, as well as litigation in employment discrimination matters.

Generally speaking, school systems are required to accept the authority of USEEOC in setting rules and standards to overcome discriminatory employment practices.

Criminal penalties for interference with a person's civil rights, including employment rights, came through the Civil Rights Act of 1968. The law applies to anyone who by force or threat of force willfully injures, intimidates, or interferes with a person because of race, color, religion, or national origin with respect to the exercise of their civil rights.

School administrators have the obligation to see that no person (student, staff, or teacher) is allowed to violate the civil rights of another.

The protection against discrimination on account of age is included in the Age Discrimination in Employment Act of 1967. It is unlawful to discriminate in job decisions against an employee because of age.

School systems, like higher education, must adjust to the idea that neither teachers nor staff can be discriminated against or made to retire until the age of 70 without a well supported justification.

Discrimination based on mental or physical disability is prohibited, if the person is otherwise qualified, under the Rehabilitation Act of 1973 for school districts receiving significant federal funds. Handicapped status is assigned to any person with any physical or mental impairment which substantially limits one or more major life activities.*

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*503 and 594 of the Rehabilitation Act of 1973 give slightly different definitions.

School administrators must know the physical and mental conditions of employees; and procedures to make reasonable accommodation, including some alteration of physical facilities and administrative procedures, must be undertaken.

Protection from employment discrimination also extends to qualified disabled veterans and veterans of the Vietnam era where school districts have federal contracts with the federal government in excess of $10,000. Provisions of the Vietnam Era Readjustment Act of 1974 require contractors and their subcontractors to take affirmative action, i.e., to make extra efforts to serve those veterans, if the contracts exceed $50,000.

School administrators with federal contracts must develop the capacity to write and implement Affirmative Action plans which meet extensive federal and state regulations.

Educational institutions become subject to the ban on sex discrimination by accepting federal funds. Under the Education Amendments of 1972, Title IX, discrimination on the basis of sex in education or program activities is prohibited. (It remains unclear as to whether this ban also applies to employment practices.)

Schools now must review all education and program activities to make sure that sex biases do not exist. Enforcement for Title IX violations, among other ways, is through federal fund cutoffs.

Beginning in 1941, most Presidents of the United States have issued Executive Orders regulating the condition under which firms may contract with the federal government. The most significant of these is Executive Order 11246 of 1967 as amended.

School systems receiving federal contracts are now required in addition to themselves to monitor the private firms with which

they let contracts. School districts can contract only with those firms that take the full range of affirmative actions required under 11246 and related Presidential directives.

There are allowable exceptions to fair employment rules. Such exceptions are generally written into the law or have been defined by the courts. Generally, the laws seek to avoid unwarranted preferences for any group. The Civil Rights Act of 1964, for example, has not been interpreted to grant preferential treatment to minorities or females, nor does it require that a less-qualified minority person be preferred over a better-qualified non-minority person.

School administrators must be able to establish and maintain procedures for validly distinguishing among candidates who present varying qualifications.

Many states and a number of cities have enacted fair employment and equal educational opportunity statutes which apply to school districts. Some of these bans on discrimination go beyond those put in place by the federal government. They often include even more specific protections from discrimination against persons because of an arrest record, political affiliation, marital status, color, blindness, unfavorable military discharge, and sickle cell trait among other reasons.

School administrators must know state and local requirements imposed on schools and have the capacity to meet these as well as federal standards.

Most of the foundation for equal opportunity in education and employment is in the Fourteenth Amendment. Its due process clause requires that certain procedures be followed if persons

are to be deprived of their "property" interest in employment or in education. This has generally been interpreted to require adequate hearings or other proceedings before terminating a public school employee or in restricting access to some school activity. *The protection of the Fourteenth Amendment requires that different treatment of different classes of persons be related to a legitimate, reasonable governmental objective and not be arbitrary.*

It should now be unmistakably clear that all school systems are subject to a wide array of equal employment and equal education legal requirements. The socially isolated suburban district faces the full range of responsibility to bring about a social transformation.

As a condition to receiving major federal grants and contracts, schools which unlawfully discriminate are required to take affirmative action to meet goals of equal employment opportunity. Wherever possible stress is on voluntary compliance.

> Black is when folks say you've got to earn the rights the Constitution guaranteed you already had.
>
> Turner Brown, Jr. Black Is. (New York: Grove Press Inc., 1969), p. 2.

III.

EVOLVING EQUAL EDUCATION CASE LAW

Interpretations of the Constitutional, statutory, and administrative law embodying national and local policy against employment and educational discrimination have come largely through litigation. This body of case law is still evolving. Cases once thought to be solid precedents are being distinguished even as new bans on discrimination are gaining recognition by the courts. This virtual flood of litigation should signal the racially isolated school district of the eminent possibility of being drawn into the courts if steps are not taken to follow the national ban against discrimination.

While litigation focuses on redressing wrongs, it should be kept in mind that EE/EEO law has a larger objective. The law primarily urges that voluntary steps be taken by employers so there will be no need for litigation. Programing for equal opportunity seeks equal results. The social change sought since the Fourteenth Amendment is to eliminate the conditions that give rise to discrimination. Like the mission of educational institutions, affirmative action programs are supposed to enable people to fulfill more of their potential. *School districts have the mandate beyond equal opportunity compliance to produce positive societal results both for students and for the larger society.*

Administrators and boards in racially isolated schools are ill-advised to depend upon isolated court rulings that would seem to condone taking no action to end discriminatory effects. Not only may the facts of these particular cases not apply, but

the great mass of litigation in the equal opportunity field makes taking affirmative action to achieve integrated education both a prudent and an educationally sound step.

More challenging for the suburban school is to find ways to avoid separating integration from quality education efforts and to make sure that increasing employee productivity continues even with the responsibility of complying with EEO regulations. *It is crucial for racially isolated school districts to ground meeting EE/EEO requirements in their mission to provide quality education for all.*

The first cases aimed at desegregating public schools were filed before the Civil War. It took a hundred years, culminating in Brown v. Board, for the national policy against segregated schools to evolve. The second period, from the mid-1950's to the early 1970's, involved litigation to dismantle the legally mandated dual system of education in the South. The third period begins with the Denver School system decision of 1973 when the courts briefly focused on efforts to desegregate northern urban centers. This was halted in 1974 when the Supreme Court limited inter-district busing. A somewhat more detailed review below of those four periods provides a basis for understanding the current pressures for school desegregation and integration which now confronts racially isolated suburban districts.

The Beginning of the Struggle

The demand for equal educational opportunity was a reaction to the evils of slavery which early on spread to the North. When public schools were opened in Massachusetts during the Colonial

Period, the races attended classes together. By 1790, however, racial segregation had appeared. Blacks in Boston first tried to establish their own schools, and when that proved ineffective, sued in the courts for relief. In Roberts v. City of Boston 59, Mass. 198 (1850), the Massachusetts Supreme Court rejected this initial demand to desegregate the schools. Still undaunted, black leaders lobbied the Massachusetts General Court, the state legislature and did succeed in getting passed a law barring the exclusor of any child from the public schools on the basis of race.

During the balance of the 19th century, school integration progressed slowly in the North. Separate or no schools for blacks remained the norm in the South, usually in the form of a dual set of schools in virtually every school district, one black and the other white. In Plessy v. Ferguson 163 U.S. 537 (1896) the Supreme Court, relying heavily on Roberts v. City of Boston, set forth the "separate but equal" standard. This case, which involved transportation, approved of segregation on the basis of race provided the facilities for each race were substantially equal.

Up through World War II no equality through segregated education for blacks resulted. Instead, at every level of education, blacks were forced to attend schools that were for the most part inferior. Then in two cases reaching the Supreme Court, Sweatt v. Painter 339 U.S. 629 (1950) and McLaurin v. Oklahoma State Regents 339 U.S. 637 (1950), the separate but equal doctrine was challenged. Black complainants pointed out, and the court agreed, that equality with separation was in most cases an impossibility.

The beginnings of Court mandated equal educational opportunity soon followed and is usually marked by Oliver Brown et al. v. Board of Education of Topeka Kansas 347 U.S. 483 (1954). Brown I, as this case is often labelled, encompassed cases in Kansas, Delaware, Virginia, and South Carolina. A unanimous Supreme Court through Chief Justice Warren ruled: separate educational facilities in education are inherently unequal and unconstitutional.

Two important but divergent themes were addressed in Brown I. The first called for *education for all.*

> Today, education is perhaps the most important function of state and local government. Compulsory school attendance law and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which *must be made available to all on equal terms.*

The second theme related to blacks. The Chief Justice added:

> To separate them (blacks) from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may *affect their hearts and minds in a way unlikely ever to be undone.*

The Supreme Court through Brown I passed judgment both on the way children were to be taught and on the segregationist

practices of school boards, school administrators, and other state education officials. *The legally mandated dual system of segregated education was condemned; it was to be dismantled.*

A year passed before the Court laid down guidelines for how desegregation was to take place. In Brown II 349 U.S. 294 (1955) school districts were instructed to do what local federal judges found reasonable, and to do it at "all deliberate speed."

Dismantling the Dual System of Education and the South

The South was hesitant, but the mandates in Brown I and II began to enjoy growing political support both in Congress and in the Executive branch during the 1960's. Even though President Eisenhower did little to implement desegregation he presented no major obstacle to the process. The Supreme Court unanimously in 1958 in Cooper v. Aaron 358 U.S. 1 again stated that *desegregation could not be delayed because of intense local resistance or the fear of violence.* In this case the resistance was led by the governor of the state.

Further progress toward desegregation in the South came in 1968 through Green v. Board of Education of New Kent County (Virginia) 391 U.S. 430, which made clear that the Constitution requires that the dual system be abolished and that districts adopt a plan that promptly produces schools not identifiable by race.

The culmination of these decisions relating to the South came in Swann v. Charlotte-Mecklenburg Board of Education 402 U.S. 1 (1971). Plans for gradual progress toward desegregation were no longer acceptable. *If local boards defaulted in their*

obligations to achieve desegregation, pointed out by the Supreme Court, local District Courts would assume broad discretion to develop desegregation plans including extensive busing, rezoning, pairing, clustering, closing of schools, and specification for the assignment of students, faculty, and staff.

Through Swann the Court put its imprimatur on busing. In addition, also of importance was Singleton v. Jackson Board of Education 419 F. 2d 1211, 1217-19, (1970) which established that the ratio of minority faculty should reflect minority student population in the school district. By 1971, it should be recalled, busing was very common and appeared to be the only way to bring about desegregation. Moreover, the Courts saw busing as a device that could be held to reasonable limits. Swann came close to ending the dual school system in the South by placing the responsibility for desegregation at the door of the school board.

In retrospect, the period from 1964 to 1971 reveals several key features in equal education law:

1. The focus was on ending de jure or legally supported dual systems of education.
2. The Courts took the lead in fostering desegregation and often expressed themselves through unanimous decisions.
3. The implementation of desegregration law, at first gradual (make a "good faith effort"), gained momentum with the presidency of Lyndon Johnson.
4. Most important segregation was assessed as mal-education detrimental to the self image of students.

The Movement to the Northern Urban Centers

The comparability of de facto with de jure segregation turned attention away from the South. In the North segregation

was a pervasive fact with 80 percent of all blacks living in central city while 60 percent of whites resided in suburbs. The first Northern equal education case was Keyes v. School District No.1, Denver, Colorado 413 U.S. 189 (1973). The distinction between de jure and de facto segregation was inconsequential the court said. When a district had a history of segregation of the races--even though no legally mandated dual educational system existed--de facto segregated schools were illegal. *Evidence of mandated segregation could be found in overt statements in school board meetings or in more subtle practices of site selections or the drawing of attendance patterns.*

Keyes pointed to Constitutional violations when a school board ignored that their acts intensified segregation or rejected alternatives that could have fostered integration. Of considerable consequence in this case, however, was the end of the unanimous Court through a dissent, written by Justice William Rehnquist. Keyes also announced, almost as an aside, that Mexican-American students had the same rights to a desegregated education as did blacks.

From Keyes to the present, resistance to desegregation has mounted. At the same time President Richard Nixon in his re-election campaign of 1972 strongly opposed busing so did an increasing number of Congressmen. In this changing political climate, the Supreme Court began to slow the mandate for desegregation. The major northern cities; New York, Chicago, Detroit, began resisting desegregation when that meant extensive use of busing.

During 1973 the Supreme Court deadlocked 4-4 on the issue of whether desegregation required busing beyond city lines. .Then in 1974 in Milliken v. Bradley 418 U.S. 717 (1974) a 5-4 Supreme Court denied Detroit and its suburbs a plan for metropolitan desegregation. Before the justices was a District Court Order that 53 suburban school districts participate in the desegregation of the predominately black Detroit school system. The Court majority balked, ruling that desegregation plans--in this case--had to be limited to a single school district, to Detroit alone. This action was taken even though it was clear to the Court that without the participation of suburban schools meaningful desegregation in Detroit was impossible.

Through a concurring opinion in the case, the door to inter-district busing programs to end segregation was not entirely closed. For the Court to approve such a plan, it was suggested, there had to be proof that there was intentional acts to maintain segregation on both sides of the city-suburban line. The opinion added:

> Before the boundaries of separate and autonomous school districts may be set aside by consolidating the separate units for remedial purposes or by imposing a cross-district remedy, it must first be shown that there has been a Constitutional violation within one district that produces a significant segregative effect in another district. Specifically, it must be shown that racially discriminatory acts of the state or local school districts, or of a single school district have been a substantial cause of inter-district segregation 418 U.S. 744-5.

During the 1976 term of the Supreme Court Milliken was reenforced by an employment decision in Washington v. Davis 426

U.S. 229. Davis was an equal employment case in which the court asserted that "the invidious quality of a law claimed to be racially discriminatory must ultimately be traced to a racially discriminatory purpose." But then in an apparent significant turn of events the Supreme Court ruled in 1978 that an invidious discriminatory intent could be inferred by acts which have a foreseeable consequence of having a discriminatory impact. In Columbus Bd. of Education v. Penick 99 S. Ct. 2941 and Dayton Bd. of Education v. Brinkman 99 S. Ct. 2941 (1979) this foreseeable impact theory was utilized.

Despite the Milliken I block to achieving desegregation through inter-district busing, progress in desegregation has continued. Of interest to suburban school districts--that may feel spared by the inter-district busing bar--is that more recent litigation has focused on eliminating discrimination in a single district. With busing no longer the central issue, alternative approaches to desegregation have been undertaken, for example, the trade-off of full faculty and employee desegregation in return for only limited busing was approved in Atlanta by Calhoun v. Cook 362 F. Supp. 1249 (1973). And in Bradley v. Milliken 402 F. Supp. 1096 (1975) the trade-off for limited busing was major desegregation in program reforms through faculty reassignments, reading and communication skills programs, in-service training, vocational education, testing revisions, student rights and responsibilities, bilingual and ethnic studies, and monitoring the program by citizens' groups. These programs, insisted upon by minority groups, called for a significant increase in expenditures for the district, and the Court in

Bradley v. Milliken accepted the proposition that the State of Michigan could be required to put up the additional money. These issues reached the Supreme Court in Milliken II 433 U.S. 267 (1977). In approving the lower court's procedure Chief Justice Berger noted:

> These specific educational remedies, although normally left to the discretion of the elected school board and the professional educators, were deemed necessary to restore the victims of discriminatory conduct to the position they would have enjoyed in terms of education had these four components been provided in a non-discriminatory manner in a school system free from pervasive de jure racial segregation.

Toward School Integration for Metropolitan Schools

Through the last half of the 1970's almost no school officials could be found who supported massive busing to end segregation. At the same time, the acceptance of the idea of integration--of minority and white youth attending the same schools--increased. Eight different Gallup polls since 1959 have shown a steady dwindling of public opposition to integrated schools.

The remedy of busing, as the meaning of equal educational opportunity law, as a result of Milliken, stopped at the district line. As the Harvard Law Review put it, "the court held that federal courts cannot order multi-district remedies absent proof that school district lines have been drawn in a racially discriminatory manner or that other discriminatory acts of state officials or of one or more school districts have substantially caused interdistrict segregation." Milliken I was regarded by some as sharply restricting the scope of Swann and Keyes and letting racially isolated suburban districts off the hook. For

a variety of reasons, however, this conclusion has to be reconsidered:

1. *Suburban school districts must now be concerned with equal educational opportunity in order to demonstrate that they are not fostering the kind of segregation that would bring about inter-district "busing to desegregate" decision.*

2. *Quite literally the new dual systems are in the North. All of the forbidden social consequences of this black-white division, articulated from Brown I to Swann in the South, now apply to the racially isolated suburban district. And like the South of the 1960's, the North and Northeast of the 80's have dwindling national political influence.*

3. *As taxpayers become increasingly opposed to increases, the high costs of public education within a single district will inevitably be compared with reduced costs that an inter-district plan may offer.*

4. *Suburban districts are receiving significant increments of minorities, particularly blacks and Hispanics, which means that demands for desegregation are mounting.*

5. *It is not unlikely that the trade-offs between busing and major reform, now emerging in urban districts, will carry over into program and personnel desegregation reforms which suburban districts will also be required to make.*

6. *Milliken I was a slim 5-4 decision, and while Justice Stewart voted with the majority, he also noted that inter-district busing could be indicated if segregation acts were taken by any state official, by those in housing or zoning as well as school officials.*

Suburban school officials can hardly regard either past or emergent patterns of racial segregation as accidental. The clustering of blacks in suburbs has always been a product of exclusionary land-use practices and discrimination in housing. *While documenting purposeful discrimination or "acts with a*

foreseeable discriminatory consequence" takes time, in about half of the cases reaching the courts "intent to segregate has been found and inter-district busing ordered."

Suburban districts also cannot ignore some natural advantages to metropolitan school districts which provide additional impetus for steps to desegregate: 1) the desire to equalize tax burdens and revenues, 2) the objective of curbing competition between city and suburban districts for scarce resources, 3) higher levels of classroom utilization and other assumed economies of scale, and 4) the testing of new combined centralization/decentralization administrative arrangements which take advantage of the best of big and small districts.

Brown I was won in 1954 at considerable cost. Its progency took the path of desegregating through busing, a solution that some black and white parents resisted and no few opportunists exploited to build political careers by fostering racial hatred. And even among the advocates instead of linking school desegregation mainly to improved inter-group understanding and mutual accommodation a numerical approach was followed.

Perhaps even more costly was the assumed sociological evidence for the proposition that black youth needed to go to white schools in order to improve their negative self-image. This might have been true in the 1950's in the South, but in the interim obsequious Negroes have become prideful blacks on their own initiative. The popular myth surrounding Brown I was that it aided minorities at the expense of whites. Thus, while the intentions of Brown I were laudable, the consequences precipitated have been psychologically destructive.

Finally, the saga of equal educational law far from ending has been dramatically enlarged by the impact of Title IX and the Rehabilitation Act of 1973. *Suburban school officials can no longer escape the blunt fact that equal educational opportunities apply virtually to all students, staff, and faculty.*

> Decisions to achieve racial balance taken by school boards not under judicial or Federal order but because the political forces in that district demand it will lead to less conflict than those undertaken under court order by resentful school administrations. In the first case, the methods of reducing racial imbalance have been worked out through the processes of political give-and-take, the community and teachers and administrators have been prepared for the change by the political process, the parents who oppose it have lost in what they themselves may consider a fair fight. The characteristics of judge-imposed decisions are quite different.
>
> Nathan Glazer

IV.

THE EVOLUTION OF EQUAL EMPLOYMENT OPPORTUNITY LAW

With equal educational law moving from a preoccupation with busing, attention has shifted to discriminatory practices inside districts. In the process, issues of equal employment opportunity affecting staff and faculty have surfaced in an increasing number of school districts including those that are racially isolated in suburban areas.

When Title VII in the Civl Rights Act of 1964 was first passed, many school districts had official regulations against hiring blacks or women in certain positions. In this sense the present struggle to end employment discrimination is reenacting the dismantling of the de jure dual education system of the South. Over the first decade of equal employment opportunity law, the courts expanded the de jure basis of discrimination to include: a) disparate treatment, b) policies or practices which perpetuate the effects of past discrimination, c) policies or practices which have a disparate effect but are not justified by business necessity, and d) failure to make reasonable accommodation to an employee's religious observances or practices.

The Changing Meaning of Discrimination

Intentional Discrimination

The earliest cases charging discrimination required complainants to show that the denial of employment was motivated by reason of race, color, religion, sex, national origin, or age. This first form of discrimination was usually a direct challenge of some ordinance or regulation in schools which specifically

restricted certain positions to white males.

Disparate Treatment

Once school districts wishing to discriminate were on notice of these remedies, they altered de jure policies and simply carried out the ban against minorities or women in an informal way. Discrimination then took the form of de facto treating various groups differently in practice. Examples of this include absolute refusal to consider blacks for teaching or administrative jobs, paying women teachers lower wages than those paid to men in similar jobs, or discharging a Spanish-surnamed employee for an offense for which an Anglo was given lesser or no discipline. It was precisely this kind of disparate treatment that Title VII forbids. *Disparate treatment can no longer continue between whites and protected groups in employment decisions related to: hire, discharge, compensation, or any conditions or privileges of employment.* Litigants seeking relief under Title VII generally produce indirect evidence, usually statistical in nature, showing that disparate treatment was given to similarly situated people. The standards for showing such discrimination were laid down in McDonnell Douglas Corp. v. Green 411 U.S. 792 (1973). *Once a prima facie case of discrimination is established, a school system will have to explain its action as rebuttal in open court.*

Perpetuation of Past Discrimination

A third form of discrimination that came under scrutiny was the perpetuation of the effects of past discrimination. Many school districts, particularly prior to the passage of Title VII, had discriminated against protected groups by assigning

them to lesser jobs thereby preventing them from accumulating seniority necessary for higher level positions. In a line of cases beginning with Quarles v. Philip Morris, Inc. 279 F. Supp. 505 (1968), the court reasoned that "Congress did not intend to freeze an entire generation of Negro employees into discriminatory patterns that existed before the (Civil Rights) act."

Implicit in these cases was the effort to reconcile "equal employment opportunity today with seniority expectations based on yesterday's built-in discrimination." Through 1977 the courts generally followed the rule that a system that perpetuates and renews the effects of racial discrimination in the guise of job seniority is not justified. This interpretation was dramatically altered in 1977 in the case of International Brotherhood of Teamsters v. United States 431 U.S. 324, which rejected Quarles to hold that if the seniority system was not intended or designed to discriminate, . . . it was immune from attack even if it perpetuated discrimination.

In some ways Teamsters was the barrier in the equal employment field that Milliken was in equal education law. Teamsters required complainants to show an intention to discriminate and left untouched the continuing basis of employment discrimination regarding the seniority system. But just as suburban districts may be only temporarily insulated from inter-district busing, so too may any seniority system that discriminates be shortlived. It is already abundantly clear that most seniority systems that produce discriminatory results do so because they were designed with that impact in mind.

Unjustified Disparate Effect

The fourth form of discrimination involves policies or practices having disparate impact not justified by business necessity. Examples of these in school districts were general intelligence tests used as prerequisites for hire which disqualified substantially more blacks than whites. Such tests were often culturally-biased in the sense that they called for non job-related knowledge which was more likely to be known by one group rather than another. Such tests were used to screen-out women or minorities and were not clearly tied into the knowledge or skills required to perform the job. (See appendix: Norman R. Dixon, Ed.D., "The Social Significance of Standardized Testing.")

In Willie S. Griggs v. Duke Power Company 401 U.S. 24 1971 Chief Justice Berger for a unanimous court halted this (disparate impact) form of discrimination saying:

> The touchstone is business necessity. If an employment practice which operates to exclude Negroes (or others protected by Title VII) cannot be shown to be related to job perfromance, the practice is prohibited.

This meant that the absence of a discriminatory intention was no defense, that, *whenever the results of an employment practice disproportionately screens-out a high percentage of a protected group, the burden shifted to the defendant (school district) to give justification for the practice as a business necessity, i.e., as being required to perform the job.*

Reasonable Accommodation

The final form of discrimination recognized by the court

is failure to make reasonable accommodations to an employee's religious observances or practices. Title VII prohibited discrimination based on "religion" but did not say how much accommodation to differing beliefs should be given. The Supreme Court is still seized with this problem but did suggest in Trans World Airlines v. Hardison 432 U.S. 63 (1977) that the accommodations that employers would be required to make would not be substantial.

Unlike equal educational opportunity law, equal employment opportunity law attacked discrimination when it could be shown to be: 1) legally authorized, 2) an informal practice, 3) influenced by past conditions, 4) unjustified in terms of what the job required, and 5) the employer's failure to make some accommodations for the special beliefs covered by Title VII. As a result of this broader approach, a large body of equal employment opportunity case law has accumulated. Discriminatory practices in every phase of the job: pre-employment, employment, and separation have been voided. The equal protection clause of the Fourteenth Amendment, for example, in Green v. Waterford Board of Education 473 F. 2d. 269 (1973) has been used to invalidate an arbitrary maternity leave policy requiring teachers to leave their jobs at some specified month of pregnancy when this was not justified by some state interest. Similarly, qualification standards in U.S. v. Chesterfield County-School District 484 F. 2d. 70 (1973) have been overturned where testing procedures were unevenly applied as a means of discharging only black teachers.

Required Anti-Discriminatory Employment Actions

In general, school systems are required to avoid a discriminatory impact on a protected class person unless it is reasonably related to the goal of maintaining a competent, high quality educational system. Mere paper qualifications for teachers, particularly those prescribing morality or lifestyle, unwed parenthood, dress and appearances, have benn challenged. Many such challenges have been sustained with school districts required to reinstate the aggrieved with pay back pay and legal fees.

The 1981 Guidebook to Fair Employment Practices, Citizenship Clearinghouse, September 16, 1980, calls attention to a wide variety of employment practices which have recieved court scrutiny.

1. Testing. When an employment test is shown to have a disparate impact on any protected group, a public school employer has the burden of showing that the test is job-related or in some way measures competence. Armstead v. Starkville Municipal Separate School District 461 F. 2d. 276 (1972) (See Norman R. Dixon, Appendix I)

   Testing extends to any practice in which an evaluation affecting a person's employment status is made. In Rowe v. General Motors 457 F. 3d. 348 (1962) the court ruled that even subjective evaluation could be held to be illegal tests.

   The Uniform Guidelines for Employee Selection Procedures brings under the discrimination ban as a test any action which affects an employee's status.

2. Assignment and promotion. Public school systems are required to use nondiscriminatory criteria in job appointments and assignments. Minority employees displaced in desegregation efforts requiring reorganization of school systems may be entitled to appointment to jobs equivalent to those they previously occupied, James v. Beaufort County Board of Education DC NC (1971)

Non-discriminatory practices must obtain in all promotion, transfer, and demotion decisions.

3. Compensation. Anti-discrimination laws bar public school systems from basing wage differentials on such discriminatory classification as sex and race. The Fair Labor Standards Act has been restricted by National League of Cities v. Usery U.S., but the Equal Pay Law has generally required comparable pay for male and female employees. Brennan v. Goose Creek Consolidated Independent School District 519 F. 2d. 53 (1975)

4. Fringe benefits. When fringe benefits are a condition of employment, they must be provided on an equal basis.

5. Personnel actions.

   a. Generally there is a right for a public school employee to have a hearing incident to termination of employment or other adverse actions arising under Constitutional guarantees of due process of law and a deprivation of liberty or property Wellner v. Minnesota State Junior College Board 486 F. 2d. 153 (1973)

6. Liabilities. Claims for monetary relief against the school board based on a violation of Title VII may be brought in federal courts, Cookson v. Lewistown School District No. 1, 351 F. Supp. 983 (1972). Declaratory and injunctive relief Monell v. New York City Department of Social Service 436 U.S. 658 (1978) and damages can also be recovered from school officials, although there is a qualified immunity from suit for individual school board members to the extent that their acts were done in good faith in performance of official duties Patton v. Conrad Area School District 388 F. Supp. 410 (1975)

7. Remedies. School systems that have engaged in discriminatory employment practices in the past may be required by courts to extend preferential hiring treatment and other relief to minority or female personnel as a means of correcting the continuing effects of past bias. Hiring quotas may also be imposed as well as reinstatement, back pay, damages, attorneys' fees, and costs.

What the Schools Are Called upon To Do

In the light of expanding equal educational and equal employment opportunity law, it is incumbent upon the racially isolated suburban school to give priority attention to policies and programs designed to move toward integrated quality education. A beginning can be made by:

1. determining the district's record of equal employment and equal educational opportunity.

2. requiring the leadership of the board and school administration to establish specific goals.

3. putting into effect affirmative action: a specified course of action, projected timetables, incorporated incentives, monitoring devices, and an arrangement for plan modification.

4. establishing monitoring procedures so that timely feedback flows to the leadership of the board and school administration to assure equal opportunity results.

As we have seen from the foregoing, the racially isolated school district has the full range of problems which confront Northern urban, predominantly black districts. Desegregation, at least within the district, is mandated and, if quality education for all is to be obtained, school efforts must reach beyond desegregation to integration.

V.

ACHIEVING EE/EEO IN RACIALLY ISOLATED SCHOOLS

For the racially isolated suburban school, Constitutional and statutory law, along with evolving current decisions, makes an affirmative action program to achieve equal educational and equal employment opportunity a prudent course. The alternative offers only a temporary avoidance of inevitable intergroup conflict and an increasing hazard of litigation which could lead to court imposed desegregation. The costs associated with avoiding steps to integration--to both students and the school budget--are enormous, while the benefits associated with a successful program to integrate can enhance quality education for all. Harold R. Rogers, Jr., has suggested some of the fundamental factors that are essential to a successful desegregation program.

1. *School board members and administrators must accept responsibility for carrying out the desegregation process and do so firmly and unswervingly.*

2. *The community should participate in the desegregation process.*

3. *Every effort should be made to create a positive environment in the integrated schools. Administrators and faculty must manifest a positive attitude toward desegregation and treat students of all races with equal respect, e.g., disciplinary procedures should be firm, fair, and impartial.*

4. *The desegregation plan should be educationally sound and closely tied to improving the quality of education for all students.*

The purpose of this chapter is to provide concrete suggestions for planning and putting into effect an EE/EEO program.

An essential first step is to assess the condition of intergroup relations in the system, the general atmosphere of the schools and the specific patterns and practices in both the employment and educational programs currently in effect. For those school districts that pursue the logic of equal education and equal employment opportunity case law, positive results will take the form of pursuing multicultural education and putting into effect modern management techniques. The major planning instrument for school districts is an affirmative action policy and program.

Assessing Intergroup Relations: Process Consultation

One effective way of making a diagnosis of how groups perceive each other and for identifying specific problem areas is for the school district to carry out a self-study as a beginning step in producing change. Process Consultation (PC), a technique pioneered by Edgar H. Schein[1] is a method of bringing out into the open patterns of intergroup conflict and of changing values and teaching skills.

Process Consultation (PC) is essentially a needs analysis technique used to forward the effort to achieve school integration. PC brings together both school and community resources and necessitates the employment of a facilitator to carry through seven steps: establishing contact, delineating roles, setting procedures, gathering data, intervening, reducing tension, and institutionalizing the process.

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[1]Process Consultation: Its Role in Organizational Development, (Reading, Massachusetts: Addison-Wesley Publishing Company, 1969.)

Establishing Contact

The process begins with initiative from a school official. Some authorized person, usually a member of the school board, seeks outside assistance in order to understand better the barriers to school integration in his district. Thus in an offical way a needs analysis of intergroup or interracial relations toward integrated education is initiated.

Proceeding through the district's superintendent, contact is made with an organization competent to assist the district in carrying through a PC. The Race Desegregation Assistance Center at the University of Pittsburgh has successfully carried out PC's in a number of school districts in Pennsylvania, Maryland, and Delaware.

Delineating Roles

Key school personnel (representatives of administration, faculty, supporting staff, and students) and representatives from major community organizations form a group. It is important that there be substantial female and minority group representation from the school and the community. At the initial meeting, the trained facilitator explains the process and assists all participants in understanding their roles as a working group and as links to their constituent organizations.

At the conclusion of this meeting a decision is made whether both parties (the school and the community) wish to proceed with PC. Through this decision the facilitator attempts to establish a psychological bond between the school and the community to move toward school integration in which quality education for all is the goal.

Setting Procedures

In order to gather data, the facilitator assists the group in organizing itself. This involves creating both balanced (school-community) and single interest sub-groups. As far as possible all sub-groups should contain significant representation of minorities and women.

The facilitator meets with each group separately in order to explain how PC works. Data is obtained on perceived problems and barriers preventing a move toward quality integrated education. Specific instruction is given on how to facilitate communication within these groups. Further arrangements are made with the superintendent to obtain any additional information the group will need in carrying out the needs assessment.

Gathering Data

The facilitator then meets in working sessions with each sub-group in order to facilitate interaction. The PC process is carefully explained again to each sub-group. The facilitator coordinates the identification and documentation or problem-areas, typically sub-group contributions are collected on newsprint.

The product of these sub-group efforts is then reviewed by the group as a whole. Experience in numerous school districts has shown that typically six to ten problems emerge and that individual sub-groups substantially share perceptions of where intergroup tensions exist. Problem-areas almost always involve every aspect of the school, curriculum, supporting activities, instruction as well as currently operative administrative procedures.

Intervening

The sharing of the findings of the group with its constituent organizations and the School Board is the first stage of the intervention. For most school districts this is the first time that they have systematically looked at themselves. Typically the school board learns that the problems standing in the way of a move toward integrated education are embedded in unexamined practices and heretofore unstudied fears.

The facilitator then helps the group to reorganize itself into functional committees to deal with each of the major problem areas turned up in the needs assessment. The group, as a unified body, then puts into its own words both the problems that the school faces and the opportunity presented for improving the quality of education for all.

Reducing Tension

Over a period of time--often many months--the group collects additional information about each problem area and how the problems interrelate. The facilitator helps the group to begin to identify itself as a problem-solving force with accountability to both the school and the community. In a cooperative way the group begins to attack identified problems. Of major importance in this phase is the deepening of trust among members of the group and among constituent groups.

The beginning of tension reduction appears as the group begins to coalesce, not so much around perceptions of the problems but rather emerging consensus on steps to reach solutions.

These interventions must be undertaken with care. Resis-

tance is likely, and negative dynamics often emerge to counteract positive intervention efforts. This is a crucial stage and the success of the PC will depend upon a willingness on the part of school officials to come to grips with intergroup problems rather than to exacerbate them. Often resources beyond the facilitator will be required including structured experiences, simulated and actual, which help a district to function in an orderly and purposeful change process.

Experience has shown that four patterns of tension can be expected: students-administration, administration-teachers, administrators-community, and students-teachers. As these tensions surface, it often becomes clear to district that it is not student-student conflict that stands as a barrier to integrated education but rather the variables of race, class, and sex along with a real and/or imagined sense of powerlessness by key individuals and groups.

> Student relations under desegregation have been marked by toleration for the most part, and less prominently by violence and disrespect. In many more cases than one would imagine, interracial friendships have developed. The old saw about students being more liberal than their parents is quite true, according to various studies. Whether in Syracuse or Detroit, students of the most varied social circumstances have learned to cooperate, and to their mutual benefit.
>
> Meyer Weinberg, Desegregation Research: An Apprisal

A reduction of tension necessitates a rechanneling of intellectual and physical energies through improved training and management procedures. Contending groups need help in:

- developing their own self-image and interpersonal communication skills;
- participating in intergroup negotiation as equals to other groups;
- contributing to planning school functions which affect them or their children;
- sharing in the decision-making which controls their lives;
- gaining a sense of effectiveness, that power can be used in a responsible way to solve problems.

The meetings, and results of group activities, should be widely publicized in the school district. It is particularly essential that group members keep their constituent groups fully informed of the ongoing process. While these interventions are likely to contribute to the resolution of some interracial, interclass, intergenerational, intersex problems, it will soon become clear that more permanent arrangements must be made to allow the district to deal with the root causes of tension that surfaced in the needs analysis.

Institutionalizing the Process

At some stage the group needs formal recognition within the district. This involves the election of leadership and the selection of a name. Names for such community groups vary, but they should convey the message of a formal and sustained effort by the school district to alleviate its own problems. Aside from official school board recognition, institutionalization includes establishing a meeting location, the projection of a schedule and an agenda, and formalizing a reporting system.

As the new committee functions more and more on its own, the need for outside facilitation will decline. Termination

of the assistance is typically arrived at mutually.

Identifying Employment-Related Discrimination

One of the first steps school management should take is a formal assessment of existing employment patterns and practice to determine what changes need to be made. A properly conducted audit, complete with a summary report prepared for the use of school authorities, can provide:

1. an assessment of the precise degree of under or over-utilization of minorities and women in all components of groups, departments, functions, or occupational categories and the levels of the organization;

2. a listing of the personnel system's procedures and criteria that have a disparate effect;

3. an evaluation whether, and to what extent, the protected classes can be said to suffer the present effects of past discrimination;

4. a measure of any sex/wage disparities by job categories;

5. at least a preliminary identification of areas of "poor management" that could be viewed as discriminatory regardless of intent.

To conduct an employment self-analysis a district could go through the following student, staff/faculty, and program analysis steps. (See working charts in appendix E)

A. With respect to the student population:

   1. Chart the location of all female, minority, and handicapped students by grade, building, and program.

   2. Make objections of these populations over a five year period.

   3. Seek an explanation why the patterns are as they are.

B. With respect to staff and faculty:

Complete a workforce utilization analysis by professional, administrative, technical, clerical, and other groupings.

a. For each minority/sex grouping: Black male/female, Hispanic male/female, Asian American or Pacific Island male/female, American Indian or Alaskan native male/female, and white female separately. Study the patterns with respect to:

- their numbers in each pay system and grade level
- their numbers in each tenure status, full and part time
- their numbers in the major mainstream categories or occupations i.e., highly populous occupations that lead to higher level positions.

b. Percentages of representations for each minority and female group obtained by dividing the total number of employees in a minority/sex category at a grade level by the total number of employees at the same grade level.

c. Obtain the applicable Civilian Labor Force Baseline Data. (This information is available from regional Bureau of Employment Security Offices.)

d. Calculate the percentages of representation for each race/national origin and sex group of each grade level in all the required categories to complete the workforce analysis.

C. With respect to programs:

Curriculum--curriculum here is defined as the process for designing and implementing the formal learning experiences that are created to facilitate a student's personal and interpersonal intellectual and social growth and development.

- Develop a socio-cultural profile of the school by collecting information on the

cultural characteristics in the school, their range and proportions
behavior patterns of students both among a single group and intergroup
value systems especially where there are intergroup divergences
varying communication styles
socialization processes both within and between groups
historical experiences

- Analyze the implications of this data with respect to varying

expressive modes
aural tradition
verbal abilities
person orientation
duality in identity
learning as experiencing
spontaneity over structure
formal vs informal learning processes
earned or ascribed authority

- Use this profile and analysis as a foundation for work by curriculum specialists. *Curriculum specialists too often have attempted to design curriculum without knowing the characteristics of their audience or how to design experiences that will have both a high cognitive and affective pay-off.*

- Monitor the results of course offerings by asking the following:

Is it meeting the needs of all students?

Does it insure a positive maintenance of ties with each student's cultural heritage while facilitating intercultural understanding?

Is the variety of experiences that students bring to school taken into account along with consideration for the community and world into which the graduating seniors will enter?

School districts typically have never before looked at the manner in which tension reduction and the establishing of integrated education is a function of relating students, staff, and programs in a way designed to achieve a quality result.

Multicultural Education

An old conception in education, called Multicultural Education (ME) has been recently revived because of its relevance for the racially isolated suburban schools. Muticultural Education directly addresses the process whereby diverse groups can come together productively while negative stereotypes are neutralized. At the core of ME is respect for differences in human groups and a preference for cultural pluralism.

The multi dimension of ME is stress on the great variety of cultural groups in America. Students are given an accurate and informed view of people who look different but who in all major respects are quite similar. The school, in ME, is regarded as our most important institution for developing values supportive of a pluralistic society.

The cultural dimension of ME refers less to learning about other groups in their isolated state-in some other country or segregated condition--and more about how students might achieve greater facility in intergroup interaction. Diverging patterns, symbols, institutions, and values are examined partly as a means for appreciating the unique achievements of these groups and partly for seeing the complimentary nature of humanity as a whole. The objective is an American society in which all ethnic groups live cooperatively, where cultural differences are respected, and where implication that one group is morally superior to

another is counteracted.

The major reason Multicultural Education looms as essential in racially isolated suburban schools is the prevasiveness of racism in American life. Open resistance to having significant numbers of blacks or other cultural groups in suburban communities or schools illustrates the problem and should bring out how discrimination damages both the excluded and those who exclude.

The Association for Supervision and Curriculum Development (ASCD) has said:[1]

> *The essential goals of multicultural education embrace: a) recognizing and prizing of diversity; b) developing greater understanding of other cultural patterns; c) respecting individuals of all cultures; and d) developing positive and productive interaction among people and among experiences of diverse cultural groups.*

ASCD has offered the following practical steps on both content and process that every racially isolated school should consider:[2]

1. Examine text materials for evidence of racism, classism, sexism, and realistic treatment of cultural pluralism in American society.

2. Develop new curricula for all levels of schooling--curricula that enhance and promote cultural diversity.

3. Provide opportunities to learn about and interact with a variety of ethnic groups and cultural experiences.

4. Include the study of concepts from the humanistic and behavioral sciences, which are applicable for understanding human behavior.

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[1]Carl A. Grant, editor, Multicultural Education: Commitments, Issues and Applications (Washington: ASCD, 1977), p. 3.

[2]Ibid, pp. 5-7.

5. Organize curricula around universal human concerns, which transcend usual subject-matter disciplines; bring multicultural perspectives to bear in the study of such issues.

6. Broaden the kinds of inquiry used in the school to incorporate and facilitate the learning of more humanistic modes of inquiry.

7. Create school environments that radiate cultural diversity.

8. Maximize the school as a multicultural setting, with the idea of utilizing the positive contributions of all groups to accomplish common tasks and not just to reduce deficiencies for the deprived.

9. Recognize and utilize bilingualism as a positive contribution to the communication process, and include bilingual programs of instruction for monolingual children.

10. Examine rules, norms, and procedures of students and staff with the purpose of facilitating the development of learning strategies and techniques that do not penalize and stigmatize diversity but, rather, encourage and prize it.

11. Institute a system of shared governance in the schools, in which all groups can enter equally in the learning and practice of democratic procedures.

12. Organize time, space, personnel, and resources to facilitate the maximum probability and flexibility of alternative experiences for all youngsters.

13. Institute staffing patterns (involving both instructional and non-instructional positions) that reflect our culturally pluralistic and multiracial society.

14. Design and implement preservice and in-service programs to improve staff ability to successfully implement multicultural education.

Multi-Cultural Curriculum

Curriculum should be defined as all the activities for which the school assumes responsiblity. This broad definition includes both instructional materials and what is often referred to as extra-curricular activities. The multicultural curriculum is one which is designed to prepare students to live in a world with others who may be racially, sexually, and/or ethnically different.

Teachers in suburban schools typically have had limited training and experience in instructing students from diverse backgrounds. Consequently, it is important for them to develop skills in recognizing a variety of learning styles and to improve their techniques for dealing with learning differences.

Of key importance in multicultural approaches are the student status organizations. Organizations like cheerleaders or student government are frequently openly resistant to participation by minorities and/or females. Much of the disruption and the discontent in recently desegregated schools originate in the unwritten exclusionary practice which governs status groups. The lack of involvement of a segment of the student population, the ambiguous criteria for admission, the lip-service paid to "everyone has access but they just couldn't qualify," all contribute to the smoldering discontent which eventually ignites into a disturbance. Frequently, the minority students are blamed for being impatient, angry, hostile, disruptive. Close scrutiny would reveal, however, the frustration created by the failure of school administration and faculty to make

certain that the learning experiences in the extra curricular program are not omitted from multicultural education.

A written policy with assurances for inclusion and a plan which includes clearly stated criteria for membership are imperatives. Where there are judges and a competitive selection process for those activities, mandatory inclusion assurances should preface the criteria. Orientation to the school's multicultural policy is essential to avoid overt or covert bias to contaminate the selection process. Where possible, minorities and/or females should be a part of the judging panel. In suburban school districts there may be too few minority students to assure their participation in all of the status activities; however, these students and particularly their parents should know the procedures for admission, the criteria, and that the school desires full participation by as many groups as possible in all school activities. School authorities will avoid many problems by devising a means of making sure minority females are on the cheerleading and majorette squads, activities from which they have been traditionally excluded.

Participation in student status organizations serves as an outlet for student energy and a source of self-esteem for the development of a positive self-concept. All students need to feel they are contributing members of the social system of the school. Involvement of minorities and females in these organizations is also beneficial to the affective growth of all students regardless of race, sex, or national origin.

The activities for which the school assumes responsibility extend beyond the classroom. Living together skills are

Need for Competency Assessments

To have confidence that quality integrated education is being pursued it is necessary to establish behavior outcomes tied to criteria for assessment which are used to determine competency levels.

1. Prepare descriptors based upon an analysis of job requirements, work responsibilities for each teaching or administrative position.

2. Delineate the minimum duties to be performed and the expected levels at which competence is expected. Included in these are:

   - ability to communicate
   - ability to relate to students
   - ability to teach: knowledge of subject, skills in alternative methods of teaching
   - ability to evaluate performance: test construction, achievement inventories, diagnosis of achievement
   - classroom management
   - relationship with other teachers and administrators
   - relationship with parents

3. Provide evidence of advancement in professional development.

   - inservice participation
   - advanced training
   - creativeness in area

4. Establish evaluation of performance.

   - by peers
   - by self
   - by students
   - by others

Competency assessments should be used as the basis for curricular and instructional upgrading and for the incentive and control systems. EE/EEO programing requires that job requirements be tied to the school's mission in a direct and defensible way, that employees know (at least minimal levels) what is expected

of them, and that evaluations are objective and available for review.

Results-Oriented Management

As must be clear from the previous suggestions for completing a needs analysis, reviewing employment and program patterns, and in promoting multi-cultural education, the process of desegregation and the move toward integration require effective school management. The Handbook for Integrated Schooling offers this comment regarding the importance of management.[1]

> Racial integration of a school is a complex organizational process. It requires decision making about alternative courses of action. It requires the coordination of many different elements. It brings together every important feature of organizational behavior; motivation, decision making, intergroup and interpersonal conflict, cooperation and communication.

Quality integrated education necessitates a results-oriented approach; i.e., attention must be focused on achieving the goal of quality integrated education rather than inputs untested by the actual impact they produce. The focus is on what happens rather than what was intended. A results posture stresses constant evaluation of outcomes. *The achievement of integration is an educational goal that can be evaluated administratively in terms of how well that goal is achieved.*

A few organizational principles can be derived from a results-oriented management for quality integrated education.[2]

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[1]Garlie A. Forehand and Majorie Ragostic, Handbook for Integrated Schooling, A report prepared under contact number OEC 0-73-6341, Washington, D.C., 1976, p. 9.

[2]Ibid. Material adapted from pp. 10-12.

- The minimal objective is a management style that leads to the absence of racially prejudiced behavior on the part of staff and the communication of a professional approach to education. More acceptable program outcomes are positive valuing of intergroup diversity.

- Shared objectives. Successful management requires close orchestration of imputs of administration, faculty, and students with the community.

- Equity characterizes the ways members of various groups are treated. The term implies fairness and justice and is neither synonymous with nor antithetical to equality.

- Action. Management must energetically intervene in both the initiation of programs and then for alterations in the light of performance. Effective integration can be achieved only through actions ranging from complex programs to simple encounters.

The school administrator, both at the level of building principal and at the level of superintendent, holds a key position in fostering quality integrated education. The NAACP Report on Quality Education for Black Americans: An Imperative[1] identifies qualities such administrators should possess:

- A commitment and dedication to a quality integrated education.

- Ability to communicate with various audiences on issues and problems related to school management.

- Must like children and encourage and support staff in understanding the cultural, physical and aesthetic diversity found in the student body.

- Must have basic intellectual competence to develop appropriate evaluation instruments designed for a quality integrated education.

The following are some questions to ask the school administrator:

1. Does he/she spell out in advance the characteristics of quality integrated educatation that are to guide administrative decisions?

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[1] Op cit, p. 114.

2. Are the organizational structure and the budget allocation consistent with these program objectives?

3. How is the planning for quality integrated education carried on? Who is involved in the planning?

4. How are management objectives linked to hiring policies and program determinations?

5. What is the system of accountability for determining if intended results are achieved? How is progress (or lack of it) assessed and evaluated?

School administration in its own conduct should model the kinds of behavior that is expected from students and faculty. An important feature of this modeling is the quality of relationships among minority and non-minority, male and female staff members.

An Affirmative Action Policy and Program for EE/EEO

In order to meet legal mandates of Title VI and Title VII of the Civil Rights Act, Title IX of the Education Amendments, and the numerous guidelines relative to the handicapped, veterans, and those over 40, it is necessary for school districts to prepare an Affirmative Action Policy and to carry it out. From what has been presented so far in this Manual, it is urged that this Policy and Program be comprehensive in nature, that it cover all phases of employement, the full range of school programs, that it extend to all covered groups and to non-minority groups, and that it make no compromise with quality education.

Writing an Affirmative Action Policy

The Affirmative Action Policy and Program should have the following general characteristics:

- It should be rooted in the district's basic educational mandate by 1) providing for equal educational opportunity for all, 2) assuring equal access for all pupils to school facilities, programs, equipment, staff services, financial resources, and other benefits, 3) eliminating discrimination against students due to pregnancy, childbirth, pregnancy-related disabilities, or marital status, 4) providing that students are not segregated on the basis of immutable characteristics or economic status, and 5) reiterating that equal opportunity is essential for the achievement of quality education for all students.

- It should be closely articulated with the curriculum by: 1) assuring that all courses provide accurate treatment of all covered groups, 2) supplementing existing courses with materials containing contributions of women and minorities, 3) creating new courses of study which feature the role of minorities and women and, 4) promoting throughout the curriculum multicultural education.

- It should be tied into guidance and career development by: 1) presenting current information which makes possible realistic opportunities, 2) providing role models, especially for females and minorities in non-traditional occupations, 3) familiarizing students with up-to-date material on the law of equal employment, credit, divorce, finance, educational, and vocational opportunities, 4) extending assistance to students in getting meaningful employment.

- It should find expression in physical education and extra curricular programs by: 1) assuring that no student is denied access to or benefit from any activity because of minority or female status, 2) encouraging participation by all students in all activities including those previously non-traditional for their sex, 3) eliminating de facto segregation in all aspects of the extra-curricular program.

The Affirmative Action Policy should be a clear statement of the school district's commitment to extending equal educational and equal employment opportunity to all. The affirmative actions outlined in the program should reflect steps to achieve the goal of integrated quality education for all. Generally, the policy should be:

- stated in positive terms

- addressed to specific and identified results or goals and tied to timetable
- signed and promulgated by the superintendent
- widely distributed within and outside the district
- specific on individuals and groups responsible for implementing the program.

VI.

THE PROMISE OF EQUAL OPPORTUNITY

This Manual has brought together many suggestions of how the racially isolated suburban school district can move toward quality integrated education. *A comprehensive approach has been urged: equal opportunity for all groups, in every phase of the employment process, reaching both school programs and co-curricular activities and above all inclusive in enhancing the quality of interpersonal and intergroup relations.* Much of the argument that suburban schools must desegregate has been legislative and judicial. Also administrative laws and regulations have made intended discrimination a violation of federal and often state and local law. In this concluding chapter we move from this emphasis on what is proscribed--the emphasis on "the stick"--to the promise or "carrot" that comes with equal opportunity associated with integration.

The chapter begins with a review of comprehensive approaches, how educational and employment opportunity legal precedents inform each other and point to even broader linkages in changing housing patterns. Second, desegregation is distinguished from integration, the differences between stopping illegal and dysfunctional practices and initiating productive and human fulfilling results. Finally, the chapter reaches beyond the letter of the law to relating equal opportunity to the promises inherent in the American dream. Expanding opportunity is for the benefit of the whole. Minorities traditionally have rooted their case in America's fundamental ideals of equity and opportunity.

Comprehensive Approaches

The pursuit of equal educational opportunity, after Brown v. Board of Education, first took the form of dismantling the dual system in the south and then in opposing de facto segregation of the schools in northern urban centers. By 1973 the limits of desegregation under this approach seemed to have been reached. In Milliken v. Bradley the Supreme Court refused to permit inter-district busing as a solution for desegregating schools.

Equal employment law began almost where equal education law seemed to be blunted. Griggs v. Duke Power authorized identifying discriminatory practices with numerical results. The burden to justify a disparate impact caused by an employment practice had to be shouldered by employers and generally justified as job-related. This substantially broadened the attack on discrimination until Washington v. Davis in 1978 when the Supreme Court seemed to put conditions on this practice by requiring complainants to show discriminatory intent.[1]

During the 70's gains in employment protections as compared to equal education law were substantial mainly because affected employees were not simply black. Coveraged broadened to encompass sex, national origin, religion, Spanish-surname, age, veterans, and the handicapped, in a word virtually all employees. So when the Civil Service Reform Act of 1978 was passed, Congress defined the word merit to mean a system of employement that was based both on open competition and that was free of discrimination. Although not mandating the result, the Act further called

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[1]Note: Davis is not a Title VII case; however, it is often cited in Title VII litigation.

upon government to seek to obtain a representative workforce, reflective of the cultural diversity of the American population.

> Discrimination is usually thought to be the result of overt actions by prejudiced or biased individuals. While such discrimination continues, fortunately it is easily identified and its harmful effects on all are easily seen. But the fact is that most discrimination is a result of policies, procedures and unexamined practices in schools --which however inadvertently or neutrally applied, affect some people different than others. When these "business as usual" practices victimize particular groups, e.g., women, blacks, Hispanics or other covered groups there is systemic discrimination. It is insidious, usually unintentional and its detection requires careful search and analysis by the organization. Almost always these harmful practices hurt more than females or minorities and almost always they reflect archaic management practices and difficult to justify educational practices.
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> U.S. Commission on Civil Rights "Affirmative Action for the 1980's: Dismantling the System of Discrimination" 1981.

Running parallel with this expansion of coverage to all employees was the theme that discriminatory personnel practices were most often the by-products of unmodernized personnel systems: the still-intact "old boy" network for recruiting, continued use of invalidated tests, unchecked sexual harrassment on the job, or simple residues of prejudice against the handicapped. Over the 70's the Court repeatedly called on employers to reform archaic personnel practices. For those agencies doing contract business with the government, the courts pointed out that poor procedures which maintained bias also had to be revised so that the government would not be short-changed. Equal opportunity initiatives in employment, in short, increasingly have been identified with enhancing productivity through results-oriented

personnel practices.

But just as employment law of the 1970's stood on the shoulders of education law of the 60's, so new legal conceptions in the struggle for desegregated education began to reinform equal employment. First in Millikin II, the Courts began to accept the doctrine that a part of the costs for desegregation in a single district--in this case Detroit--had to be borne by the State of Michigan. Literally, de facto segregation in Detroit was linked to de jure intent in Lansing. The Court held that the state, therefore, must pay to remedy results they helped to perpetuate. Secondly, although inter-district busing was generally forbidden, if there was "intent," then it was in order. In about half of the cases in the courts where intent has been alleged, the Courts have been convinced and inter-district busing has been ordered.

Perhaps more significantly the Courts have discovered that school desegregation is often the result of segregated housing. And while real estate agents are proximally involved, more to the point are direct and indirect government housing assistance programs which have the effect of intensifying racial segregation. Judges in Indianapolis, Charlottesville, Louisville, St. Louis, and Chicago have issued orders to housing authorities requiring revamped policies to make them more consistent with school desegregation programs. On April 20, 1976 the U.S. Supreme Court decided Hills v. Gautreaux 96 S. Ct. 1538 which found the U.S. Department of Housing and Urban Development (HUD) in violation of the Civil Rights Act of 1964. HUD's placement of public housing in Chicago had intensified segregation. The Court

ordered remedial action extending to the suburban areas of Cook County. Future public housing should be placed much more in predominately white areas.

The implications of Gautreaux for the racially isolated white suburban district arise not only because the regional solutions seemed to outflank Milliken I but also because the Court took action against HUD without regard to acts by the subsequently affected suburban school districts. Suburban districts are on notice that a range of federal and state actions may have produced segregated-results in their districts for which courts could now require remedies. Acts likely to have produced discrimination are in the practices of the:

- Federal Housing Administration
- Veterans Administration Mortgages
- Redlining by financial institutions which do business with government
- Slum clearance and highway construction
- Relocation programs

It is now clear that the racial identity of housing affects the composition of the schools and that the racial make-up of the school is a major influence on who moves into or out of a neighborhood. Karl E. Taeuber in ths connection has noted:

> Practices of racial steering that keep whites from moving into a neighborhood are crucial in making and sustaining a black neighborhood, just as practices of racial steering that insure that few, if any, blacks move in suffice to sustain a white neighborhood. These practices include the full range of practices and policies of the real estate industry and associated financial institutions.[1]

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[1] Integrated Education, Vol. 17, January 1979. pp. 16-17.

This extended discussion has served to point out the salience of comprehensive approaches which link education to employment and now to housing, which supplement assumed intergroup antipathy with economic influences, governmental policies, and private business practices. All of these approaches lead to the unmasking of a system of discrimination which is sustained only by continuing enormous expenditures of energy and resources. The obverse needs also to be appreciated, that steps toward integration--particularly when taken in the schools--1) bring corresponding desegregation in housing and employment both in the short and long term, 2) cut-out dysfunctional governmental expenditures, and 3) counter interracial inflammatory action by private business. *It is important for the racially isolated white suburban school district to reassess whether it wishes to facilitate racial understanding or to take the increasingly more risky path of doing nothing and thereby exacerbating racial hostility.* In making such a decision, it is useful to clarify differences between strategies for desegregation and what integration involves.

From Desegregation to Integration

For nearly 30 years courts have mandated desegregated schools. In 1981, while almost no responsible voice is raised in support of segregation, still too many white youngsters go to schools separate from black youngsters. A phenomenon known as *resegregation* has dissipated many of the limited gains made in desegregation. Part of the problem is the failure of integration to take root in the desegregation process. Here we first

distinguish the two terms, desegregation and integration, and then point to ways in which suburban schools can move to transform desegregation into integration and thus sustain the gains made in the desegregation process.

One would have thought the differences between desegregation and integration would no longer be in doubt. According to the American Heritage Dictionary:

> Desegregation: The act or process of abolishing racial segregation in (a public school, for example).
>
> Segregating: Separating or isolating from others or from a main body or group;
> Imposing the separation of (a race or class) from the rest of society;
> Practicing a policy of [white or black] racial segregation.

In contrast:

> Integration: An act of or process of integrating.
>
> Integrating: Making a whole by bringing all parts together; unifying;
> Joining with something else; uniting;
> [making complete].

While desegregation bears a relationship to integration, segregate and integrate, root terms, are radically different. First, desegregation is a response to the condition of segregation, separation usually imposed as legally enforced policy. Desegregation takes the form of legislative or administrative acts to alter these biased policies. Desegregation operationally means numbers or quotas usually based on the racial composition of the school system as a whole. In the context of the 1950's and 60's, making these numerical alterations reflected significant changes in power relationships and offered the promise of better and more equally available education primarily for black

youngsters. The call is for no blacks schools, no white schools but "just schools." School Boards typically assign teachers and students through newly devised attendance zones, enrollment procedures, program magnets, or busing. Those opposed to desegregation do not call for segregation but rather reject the policy of racial balance or the procedures for busing. They call for a "neighborhood" school.

Integration took up where desegregation was to end. Once the separated groups were brought together the opportunity was presented to make them into a new whole, a new unity, to make them complete. In creating the union, it was essential to draw from each contributing side, as the new whole was not possible without all of its parts. Parents opposed to integration, once pupils were together, expressed their opposition typically by removing their children from the school. In the context of the 1970's the idea of integration easily expanded to accomodate the new groups which came under federal protection. *Thus, while desegregation focused upon bringing blacks and whites together, integration sought to enhance the quality of the interaction among the range of cultural groups in the system.* This latter task required both intergroup methods and multicultural education approaches.

Integration requires:

- Sustaining interaction between majority and minority in order to keep open lines of communication.
- Understanding individual and group differences and not treating all persons as though they were alike.
- Maintaining adequate minority representation among those who develop and guide the activities of the organizations.

Some specific phases of the movement from desegregation to integration are:

1. face-to face interaction across racial, ethnic, or sex groups.
2. equal status accorded to each member of the integrating groups.
3. acceptance of the need to learn about other cultural groups.
4. willingness to examine and mitigate displeasing communication cues.
5. valuing and support for re-enforcing each participant's self-concept.
6. mutuality, a give-and-take across group lines on the basis of equality.

Integration necessitates this direct and personal experience with individuals from the contributing groups.

In her research, Jane Mercer has identified the following stages in the desegregation process.[1]

1. District is dominated by one racial group; minorities make up a tiny percentage of the school population.
2. Minorities move into the district and are concentrated as a consequence of housing or employment patterns.
3. Minority parents--usually blacks--object to school board about separate schools and are told, "we don't pay any attention to the color of the children in our district."
4. After repeated protests school administration enters a "color awareness" state. Schools reject the fact that differences in student performance are their responsibility.
5. Under broadening community pressure, which now includes more than one minority, a few boundaries are changed and a token mixing of students takes place.

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[1] "Research Findings On School Desegregation," in Report on the Future of School Desegregation (Pittsburgh: Race Desegregation Assistance Center, 1973.) pp. 99-122.

6. The schools which move on toward desegregation have a group of concerned citizens who through protracted negotiations extract from the school board a formal commitment to desegregate. In most districts the teaching staff remains split on the advisability of this commitment.

7. Pre-desegregation in-service training for teachers and staff is conducted. Those districts that move ahead go through considerable training and are able to work through a stage of blaming minority children and/or their families.

8. Desegregation begins when those in favor of desegregation outnumber the resisters. Female students and their parents in some districts also come to realize that segregation works to the disadvantage of women as well as minorities.

9. Formal desegregation occurs at this stage; a group favoring integration emerges. The group begins to ask, "how are we going to integrate the schools?"

You may wish to identify the stage in your district's evaluation.

In sustaining desegregation further, attention must be given to administrators and teachers. The NAACP 1977 Report includes:[1]

1. Procedures to affirmatively and effectively recruit, promote and assign desegregated staff at all levels for all school buildings, including the Central Office.

2. In-service training and staff development in areas of cognitive skills, e.g., reading. The in-service to be designed to provide skills for teachers and others school personnel who may not have had experience in teaching and dealing with diverse student populations.

3. Multi-cultural education training as a certification renewal requirement for teachers and administrators.

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[1] NAACP Report on Quality Education for Black Americans: An Imperative. (1977) pp. 186-7.

4. Positive attitude and behavioral development for school personnel on matters of:

   a) race
   b) cultural diversity and socio-economics
   c) learning styles and rates
   d) adaptation of methods to learning styles
   e) adaptation of instructional materials to learning styles
   f) preparation of pupils who are culturally different for the mainstream
   g) orientation for parents

Pettigrew in 1973 set forth eight additional conditions designed to enhance the probability that integration will continue.[1] While these conditions are largely obtained, some modifications are needed in response to what we have learned since 1973.

1. There must be equal access to the school's total resources. This goes beyond books or supplies and includes equal access to the school's social status organizations.

> It is a compelling fact that the two most frequently voiced complaints in school desegregation revolve around membership in the cheerleading squad and student government--both sources of student status.[2]

2. Classroom--not just school--desegregation is essential. If the move toward integration is to gain momentum, positive interpersonal and intergroup relations must be sustained.

3. Strict ability groupings should be avoided or counter-balanced. To compensate for apparently essential groupings or sequencing or subject matter, more student team learning strategies should be used.[3]

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[1] Thomas F. Pettigrew. "The Case for the Racial Integration of the Schools." Report on the Future of School Desegregation in the United States. Pittsburgh: Consultation Resource Center on School Desegregation and Conflict, 1973, pp. 79-87.

[2] Ibid, p. 80.

[3] For further detail see Robert E. Slavin, Using Student Team Learning. Baltimore: Center for Social Organization of Schools, Johns Hopkins University, 1978.

STUDENT TEAM LEARNING

1. Increases student learning of basic skills
2. Develops positive inter-student relations in a desegregated classroom
3. Impresses students' self esteem by encouraging them to value each other as resources
4. Provides practical, inexpensive and facilitative methods for alternate classroom instructional styles.

4. School services and remedial training must be increased with the onset of desegregation. Desegregation and compensatory education need to be combined in order to move on toward integration. Compensatory programs should address both academic and social deficiencies e.g., enhancing knowledge of other social and ethnic groups.

> If a person can learn to hate and distrust others he (or she) can learn to like and trust others. This is the basic assumption of intergroup education.[4]

5. Integration, where possible, should be instituted in the early grades. The most positive attitudes toward having interracial classes and blacks as close friends, as Gordon Allport pointed out as early as 1954, are evidenced by white children who begin their interracial schooling in the earliest grades.[5]

6. The need for interracial staff is critical. One study shows that high school "disruptions" and racial tensions are less likely to occur when the black staff percentage is equal to or greater than the black student percentage.

7. Substantial, rather than token, minority percentages are necessary. Without a critical mass, black students can come to think of themselves as an unwanted appendage; and white students can overlook the black presence and even perceive it as a temporary situation.

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[4] Jean Arisden Grambs. Intergroup Education: Methods and Materials. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1968, p. 1.

[5] The Nature of Prejudice. New York: Addison-Wesley, 1954, Chapters 16 and 18.

8. Finally, race and social class must not be confounded in the move toward integrated schools. Value differences around class should not be allowed to frustrate the integration efforts.

A Culturally Integrated School

1. All children are achieving skills that make it possible for them to meet their needs in the larger community.
2. All children have equally positive self-concepts.
3. No single group exhibits more anxiety than another.
4. All children have positive attitudes and feelings about teachers and their schools.
5. Multi-ethnic programs and procedures are an integral part of the curriculum.
6. Teachers see all children in an equally positive light.
7. Children of various ethnic groups hold positions of equal prestige and value.
8. Elite positions are not held predominately by Anglo children.
9. The educators come from various ethnic groups and hold equivalent positions of power and status.
10. Parents of black, brown or other ethnic groups are actively involved in setting school policy and in determining what the system will be like.

Dr. Jane R. Mercer[1]

Integration is not an "Anglo-white-middle-class" assimilation model, but rather a blending of diverse groups with mutual dignity and respect.

[1] Op cit. pp. 107- 109.

Data suggests that *the achievement of integration is within the reach of any district that makes a sincere commitment to uncompromised quality education.* Monitoring the whole process is essential not only to resist movements toward resegregation but more important to continue the thrust toward quality integrated education.

The Reach for the American Dream

This Manual appears at a time when the national mood may be changing in the civil rights field. The precise direction that new policies will take with respect to school desegregation remains unclear; some predict reduced support for busing to achieve desegregation while others point to the continued commitment for equal educational opportunity goals.

> The Reagan Administration has played its first card in a school desegregation case, joining the St. Louis schools in proposing a voluntary metropolitan student transfer program with an unprecedented incentive of free tuition for participation . . .
>
> Under the college tuition incentive plan, black pupils going from the city to the suburbs or white students going from the suburbs to the city would get a half-year's free tuition at a state college or university for every year they spend in the program. Thus, students who voluntarily transferred for eight years would get a free four-year college education at a state school.
>
> Education Daily, May 6, 1981.

The drive to renew America's economic and moral strength cannot be undertaken without a total commitment to quality integrated education. This manual is intended to point the way toward the achievement of equal educational opportunity for all.

The immorality and inequity of segregation is now firmly established in law and before the courts. It is equally clear

that segregation is wasteful of resources, both material and human, and is associated with ineffective and archaic management practices. In these pages, statutory and regulatory compliance has been noted, but the stress has been on voluntary efforts. The pursuit of quality integrated education necessitates taking initiatives far beyond simply meeting the letter of the law.

The public schools in the 1980's, as much as at the turn of the century, remain the nation's primary instrument for socializing succeeding generations in the ideals of democracy. Implicit in this today is the necessity for all students to gain maximum technical compentence to live in our emerging post-industrial society. Therefore, it is incumbent for America to use all of her resources if she is to survive in an increasingly competitive world. Equal educational and equal employment opportunity, better intergroup communication, and multicultural education are essential educational instruments in the renewing of the nation's economic and moral strength.

A mind is a terrible thing to waste.

The real promise of equal opportunity is in making a reality of the American dream. Integration is a cumulative process with potential academic and attitudinal benefits for all children and for their communities. Quite beyond the new whole of school integration is a society made more complete by enrichment from all of its people. The promise of equal opportunity is not simply for those who were excluded but for all to live-out more of their potential. The case for integrating schools--in the final analysis--is not grounded in social science, in laws, or

even in court rulings; it is founded in the concept of justice, one of our highest ideals. The achievement of this promise in America is possible, and racially isolated suburban schools have the opportunity--no the obligation--to bring the American dream to fruition.

GLOSSARY OF TERMS MOST COMMONLY USED IN RELATION TO PROGRAMS AND PLANNING*

AFFIRMATIVE ACTION

Ability Grouping

The practice of classifying pupils in homogenous sections for purposes of instruction according to their "intelligence." Such grouping is determined by teachers' assessment and/or standardized tests.

Academic Program

In elementary and secondary schools, this term refers to that portion of the curriculum or program pertaining to English, mathematics, foreign languages, history, and science.

Affirmative Action

A program designed to increase employment opportunities for minorities and women.

Brown Case

Supreme Court case of 1954 which concluded that the doctrine of "separate but equal" has no place in public education. The decision in the case between Brown and the Board of Education of Topeka, Kansas, held that the plaintiffs had been deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.
It was the decision of this case that it was illegal for a governmental power (the state and its public schools) to enforce segregation. A state may not deny to any person on account of race the right to attend any school that it maintains.

Civil Rights Act

An Act of Congress in 1964 which provided that federal funds cannot be expended in operations in which there is discrimination on the basis of race or color. Thus, federal financial aid to schools became linked to the elimination of segregated schools.

Civil Rights Technical Assistance and Advisory Program, Title IV

That section of the Civil Rights Act of 1964 that gives grant awards for technical assistance to plans that foster desegregation.

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*Far West Laboratory for Educational Research and Development, 2930 W. Imperial Highway, Suite 326, Inglewood, CA 90303

Civil Rights Violations

Breach or infringement of any provision of the Civil Rights Act of 1964, including racial discrimination.

Community Involvement

Specific opportunities for community and parental participation in the development and implementation of the proposed desegregation plan.

Compensatory Education

An education program that seeks to compensate students for environmental deficiencies in life styles or backgrounds that may have been responsible for impeding the students' educational progress. These programs usually emphasize life experiences, remedial activities, and materials designed to enhance cognitive and motivational growth.

Compliance

Being in compliance or not in compliance means that a district is either following all legal mandates of the courts and state laws or is not following some aspect of federal regulations, state regulations, or a court order.

Conflict

A struggle over values.

Culture

The basic social habits, emotions, and values of any group of people.

Cultural Pluralism

The concept of including all cultures within a course of study or educational program. This design usually contains references and mention, often in parallel form, of all minority groups. Cultural pluralism is aimed at understanding the similarities and differences of all people, rather than a particular ethnic or racial group.

Curriculum

All the activities for which the school assumes responsible.

De Facto Segregation

Segregation which exists in fact, yet which has arisen from housing or economic patterns and not from a decision made by a school board about attendance zones.

De Jure Segregation

Segregation which exists as a result of legal action. For example, by statute, ordinance, or school board policies.

Demographic Data

Data about the school and/or community population regarding births, marriages, deaths, college or other schooling information, etc.

Desegregation

The process of eliminating racial segregation in schools, public places, railroads, the armed forces, etc. Specifically in education, the process of consciously bringing members of diverse racial/ethnic groups together into a racially balanced environment.

Desegregation Assistance Centers

Regional agencies which provide technical assistance to districts in developing and carrying out plans for compliance with both the letter and spirit of the Civil Rights Act. Three types of Centers have been created with regional jurisdiction: Race Desegregation Assistance Center (Type A, or RDAC). National Origin Desegregation Assistance Centers (Type B DAC or Lau Center) which are concerned with the educational opportunities of non-English speaking and limited English speaking students. Sex Equity Desegregation Assistance Center (Type C or SDAC) designed to address problems concerning achieving equal opportunities for students of both sexes.

Desegregation Plans:

1. Central Schools (Princeton Plan) Schools established by converting one or more facilities into schools which serve a single grade for a much larger geographic area. Attendance areas are thus enlarged for remaining schools. For example, a predominantly black elementary school could be converted into a school for all 6th-graders in the community. The remaining elementary schools would then serve only five grades.

2. Clustering The method that combines three or more schools along the same principal as "pairing" (see definition) to achieve school desegregation. This is accomplished by reorganizing the grade structure of each school.

3. Educational Complexes Created by reorganizing the academic program in each school so that course offerings are distributed among the schools on a departmentalized basis which would result in all children attending all schools sometime during the day.

4. Geographic Attendance Zones Assigning students to schools on the basis of geographic attendance areas. Zone boundaries are drawn in such a way that maximum desegregation of each school is administratively feasible.

5. Metropolitan Plan A plan that includes both the central city and the surrounding suburbs in the pupil assignment process.

6. New York Education Park Plan Consists of one facility, centrally located, which would serve all students in the area. The park plan usually calls for new contruction, but it also permits more innovation and specialized facilities.

7. Pairing Best suited to an area of a school system which has two comparable schools located within a relatively short distance of each other. Before pairing, one school might be a predominantly black school serving 1-6; the other school might be a predominently white school serving the same grades. After pairing schools, one school would serve grades 1-3, the other 4-6. The term "triads" refers to the same process only involving three schools.

8. Reorganization of Grade Structure A plan to achieve total desegregation by changing the basic organization of the district.

9. School Closing A system with small, inadequate schools might close such schools and assign those students to other schools within the system. Recommendations for closing a school might include schools not meeting state or other accreditation and closed schools which could then be used for other purposes, such as an adult education center, recreation center, reading center, or special materials center.

10. Schools for Special Services A school may be converted into a special services building to serve an entire system. The special services needs of the system should be based on an assessment of how the building might be best utilized.

11. Triads Triading schools is similar to pairing of schools, with the exception that it works with three school sites instead of two, and might work with an expanded grade population, such as K-12 rather than K-C.

Discrimination

The differential treatment of an individual based on his or her membership in a given group whose beliefs and/or actions conflict with institutional rules within a society.

Educationally Disadvantaged Students

Students who have not had the advantages of a majority, middle-class upbringing, in terms of either socio-economic data, isolation geographically, bilingualism in the home, or cultural background.

Ethnic Distribution

Those statistics which show the percentages of the various ethnic groups within a particular segment; i.e., a school district population.

Ethnic Group

A group of people with a common national origin who clearly and specifically identify themselves or are identified with that origin. Not all people of a specific national derivation are to be thought of as an ethnic body. Only as they undertake group action on the basis of their ethnicity and identify themselves with it would they be considered an ethnic group.

Ethnic Studies

Courses offered to study a particular ethnic group. These studies are usually aimed at raising the pride and self-concept for members of the ethnic group while raising the consciousness of persons outside the ethnic group.

Equal Educational Opportunity

Acronym: EEO. A concept, and an office, which holds that all students, regardless of age, sex, race, or ability, are entitled to having the opportunity of being provided an education equal to that offered to other students.

Equal Protection Clause

That portion of the Fourteenth Amendment which guarantees equal protection of the laws to all persons; this clause has often been the basis of cases where equal education opportunity has been denied to someone on the basis of race.

Equity

Equal treatment of students in all aspects of the student assignment plan including transportation for integration purposes.

ESAA, Title VII

Emergency School Aid Act. Public Law 92-318, as amended by Public Law 93-380. Local educational agencies may apply for financial assistance under this action order to adopt and implement a plan to prevent minority group isolation.

Evaluation

A format for objective, quantifiable measurement of the success of a proposed program in reaching its stated objectives and goals. Evaluations may be conducted by persons within an organization or by an outside agency.

Hostility

An attitude which consists of tendencies to insult, threaten, ostracize, or inflict physical or social injury upon a member of a social group by virtue of membership therein.

Human Relations

Studies or training for students, staff, and/or community groups in dealing with other people on the basis of similarities which cut across ethnic differences. The major purpose of human relations courses or training is the enhancing of self-concept of all groups, with understandings of differences among the groups, to further the goals of desegregation or to ease the effects of desegregation.

Integration

The process of helping students work together in a harmonious, cooperative relationship with acceptance of individual differences, mutual respect, and cooperation. To combine educational facilities and student bodies, previously segregated by race, into one unified system.

Integrated Schools

Schools which presently meet the racial composition defined by some local or national authority.
Naturally integrated schools - a neighborhood school which meets the criteria used to define an integrated school.

Intergroup Education

Teaching information and value judgments that will result in an understanding and appreciation of racial, cultural, and ethnic differences.

Intercultural

The relationship among racial, ethnic, religious, socio-economic groups.

Minority

Refers to persons who are 1) black, American Indian, Spanish surnamed American, or Asian American or 2) who have been specifically determined by the Comissioner of Education to have been segregated or separated on the basis of race, color, religion, or national origin as a result of state or local law or official action.

Minority-Isolated Schools

Schools which are attended by more than 50% minority students.

Monitoring

(Of student enrollment) The means of verifying, often by use of a computer, the attendance of students at their properly assigned school.
For Temporary Attendance Permits - a means of ascertaining the effects of TAPS and special programs on the overall racial balance of schools.

Multi-Cultural/Multi-Racial Curriculum

Refers to curriculum that reflects the racial and the ethnic cultures within a community, similar to cultural pluralism.

Needs Assessment

The ascertaining of "what is" and "what is needed or required." A needs assessment is conducted prior to the writing of a proposal or a plan to gather data to show what is and what will be as a result of the proposal or program.

Neighborhood School

The school (s) of the proper grade grouping most conveniently accessible to the student; usually the school is within walking distance.

Objectives

Desired accomplishments which can be measured within a given time frame. Achievement of the objective advances the system towards a corresponding goal.

OCR

Office of Civil Rights, a Federal agency that handles those problems dealing with an abuse of a person or persons' civil rights.

Planning

A critical evaluation of assumption and objectives, a rigous questioning of assumptions and objectives, a rigous questioning of internal consistency, a useful analysis of realistic alternatives, and/or a careful coordination with other plans.

Policy

The official guideline or a set of guidelines for the intentions, goals, and actions of an organization in accomplishing specific objectives.

Prejudice

An attitude of hostility toward a group whose values may conflict with the basic framework of the society in which the values occur.

Process

The combination of several methods, procedures, and operations required to accomplish a stated goal or objective of an organization.

Pluralism

See cultural pluralism

Quality Integrated Education

Education that is appropriate for each child encouraging him/her to achieve at his/her highest level. It takes place in an affective climate free of cultural, ethnic, class, and racial bias.

Racial

Pertaining to or characteristic of race or extraction.

Racism

Any action, attitude, or institutional structure that subordinates a group of individuals because of skin color and/or physical features.

Racially Balanced School

One in which the students of different, identified racial or ethnic groups are present in equal proportions to their percentage in the population of the school district.

Racially/Ethnically Isolated Schools

See minority isolated schools.

Racial Balance

A term, the precise meaning of which varies according to groups employing it, but usually implying one of the following:

a. racial composition of a sub-group directly proportional to the racial composition of the whole society.
b. any racial composition which approximates the condition described in a. above.
c. 50% white and 50% black.
d. any significant trend away from total or near total segregation.

Racial Imbalance/Racial Isolation

Terms referring to schools in which the minority student enrollment is so disproportionate as realistically to isolate minority students from other students and thus deprive minority students of an integrated educational experience.

Receiving School

Any school which enrolls students from another school.

Religion

Beliefs and values toward real or imaginary things and events considered to be outside the area of human control.

Resegregation

The phenomenon following a desegregation effort of increasing expulsions or transfers. (see definitions).

Residentially Integrated Schools

Schools which are racially balanced because of where people live.

Results Oriented Management

Management objectives related to outcomes where those outcomes are specified. Effectiveness of management is based on whether those outcomes are reached.

Second Generation Problems

Refers to problems which arise following the desegregation of a school. For example, disproportionate suspension and expulsion of minority students, student discipline, and tracking.

Segregated Schools

Schools where there is a separation of students as regards to race or ethnic background. See racial imbalance and minority isolated schools.

Segregation

The socially patterned separation of people of diverse racial or ethnic groups with or without explicit sanction, i.e., de facto or de jure segregation.

Separate but Equal

Refers to the practice of providing separate public facilities for whites and blacks. The Brown decision found that separate schools were inherently unequal.

Socio-economic Data

Background or environment indicative of both the social and economic status of an individual or group.

Student Assignment

The process of assigning each student to a specific school and/or class on the basis of criteria adopted by the board of education.

Student Team Learning

A new instructional approach based on years of research on student learning in cooperative interracial teams conducted at the Center for Social Organization of Schools at the Johns Hopkins University.

Predominantly Black Schools

Schools which have over 75% black enrollment.

Predominantly White Schools

Schools which have over 75% white enrollment.

Tipping

The point at which a neighborhood or school moves from racial balance to predominantly minority enrollment.

Title I

Or Elementary and Secondary School Aid, is federal legislation created in 1965 to administer funding to school districts which have at least an established minimum of poor children. It is designed for supplementary educational programs only.

Title IV

Provisions of the Civil Rights Act which are concerned with discrimination because of race, sets the guidelines for determining whether districts are in compliance with the law and authorizes funding for technical assistance to help non-complying districts.

Title VI

Provisions of the Civil Rights Act which prohibit discrimination in federally assisted programs (including schools receiving federal funds) because of race, color, or national origin. State education agencies, regional desegregation assistance centers, and training institutes were funded to deal with problems attendant to the desegregation process.

Title VII

Provision of the Civil Rights Act, amended in 1972 to include state and local government, including educational institutions, to prevent employment discrimination because of race, color, or national origin. Affirmative action plans are designed to make compensations for past discriminatory hiring practices.

Tracking

Similar to ability grouping, tracking involves the assignment of students to curriculum programs (e.g. college track, honors track, business track, etc.) based on an assessment of their ability or past academic record. Minority students often are disproportionately overrepresented in assignments to non-college bound or non-academic course offerings.

White Flight

The emigration of whites from the central city to the suburbs or other areas.

"With All Deliberate Speed"

Phrase from the second round of the Brown case, Brown v. Board of Education of Topeka, Kansas, 1954. In this decision, the court directed the lower courts to frame remedies "with all deliberate speed" that would permit desegregation of the schools.

EQUAL EDUCATION AND EQUAL EMPLOYMENT OPPORTUNITY CASES CITED IN THE MANUAL*

Armstead v. Starkville Municipal Separate School District, 461 F. 2d 276 (5th Cir. 1972), p. 30

Bradley v. Milliken I, 402 F. Supp 1096 (1975), p. 20

Brennan v. Goose Creek Consolidated Independent School District, 519 F. 2d 53 (5th Cir. 1975), p. 31

Brown et al., v. Board of Education of Topeka, Kansas I, 347 U.S. 483, 74 S. Ct. 686 (1954), p. 15

Brown v. Board of Education of Topeka, Kansas II, 349 U.S. 294, 75 S. Ct. 753 (1955), p. 16

Calhoun v. Cook, 362 F. Supp. 1249 (N.D. GA. 1973), p. 20

Columbus Board of Education v. Penick, 99 S. Ct. 2941 (1979), p. 20

Cookson v. Lewistown School District No. I, 351 F. Supp. 983 (D.C. MD. 1972), p. 31

Cooper v. Aaron, 358 U.S. I, 785 S. Ct. 1401 (1958), p. 16

Dayton Board of Education v. Brinkman, 99 S. Ct. 2941 (1979), p. 20

Green et al., v. Board of Education of New Kent County, Virginia et al., 391 U.S. 430 (1968), p. 16

Green v. Waterford Board of Education, 473 F. 2d (2nd Cir. 1973), p. 29

Griggs v. Duke Power Company, 401 U.S. 24 (1971), p. 28

Hills v. Gautreaux, 96 S. Ct. 1538 (1976), p. 58

International Brotherhood of Teamsters v. United States, 431 U.S. 324 (1977), p. 27

James v. Beaufort County Board of Education, (DC. NC. 1971), p. 30

Keyes v. School District No. I, Denver, Colorado, 413 U.S. 189 (1973), p. 18

*The number(s) at the end of each case refers to the page(s) in this Manual where the citation occurs.

EQUAL EDUCATION AND EQUAL EMPLOYMENT
OPPORTUNITY CASES CITED IN THE MANUAL (continued)

McDonnell Douglas Corporation v. Green, 411 U.S. 792 (1973), p. 26

McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950), p. 14

Milliken v. Bradley, 418 U.S. 717 (1974), p. 19

Milliken II, 433 U.S. 267 (1977), p. 21

Monell v. New York City Department of Social Service, 436 U.S. 658 (1978), p. 31

National League of Cities v. Usery, 426 U.S. 833 (1976), p. 31

Patton v. Conrad Area School District, 388 F. Supp 410 (D.C. D. DEL. 1975), p. 31

Plessy v. Ferguson, 163 U.S. 537 (1896), p. 14

Quarles v. Philip Morris, Inc., 279 F. Supp., 505 (D.C. Vir. 1968), p. 27

Roberts v. City of Boston, 59 Mass. 198 (1850), p. 14

Rowe v. General Motors, 457 F. 348 (1962), p. 30

Singleton v. Jackson Board of Education, 419 F. 2d 1211, 1217-19, (1970), p. 17

Swann v. Charlotte-Mecklenberg Board of Education, 402 U.S. 1 (1971), p. 16

Sweatt v. Painter, 339 U.S. 629 (1950), p. 14

Trans World Airlines v. Hardison, 432 U.S. 63 (1977), p. 29

U.S. v. Chesterfield County School District, 484 F. 2d 70 (4th Cir. 1973), p. 29

Washington v. Davis, 426 U.S. 229 (1976), p. 19

Wellner v. Minnesota State Junior College Board, F. 2d 153 (8th Cir. 1973), p. 31

APPENDIX A

THE SOCIAL SIGNIFICANCE OF STANDARDIZED TESTING

*Norman R. Dixion, Ed. D.

The use of standardized tests (ability, achievement, and personality instruments) in multi-cultural education has easily discernible political and educational impacts on the lives and fortunes of racial, ethnic, and low socio-economic groups. In general, students have a strong fear of standardized tests. Too many educators appear to believe that standardized tests were constructed in Heaven by God and His angels. Such educators must achieve the conviction that standardized tests are cultural artifacts--subject to human inadequacies and inaccuracies.

To a large degree, standardized test scores determine the nature and number of school opportunities provided the student. More than forty million American school children take standardized tests each year. This fact alone makes it imperative that test producers become more accountable to the American public.

It is a widely known fact that blacks, poor whites, Chicanos, Puerto Ricans, and native Americans score poorly on certain ability and achievement tests. Despite this open fact, tests like the Cognitive Abilities Test are repeatedly used by desegregated schools.

What Is Multi-Cultural Testing

Multi-cultural testing may be viewed as the use of assessment procedures to identify the ability/achievement of students from diverse racial, ethnic, and socio-economic groups. In this

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*Norman R. Dixon. "The Social Significance of Standarized Testing," Conference Workshop, Eastern and Western Pennsylvania Spring Workshop, University of Pittsburgh General Assistance Center on School Desegregation and Conflict, Monroeville, Pennsylvania: March 13-14, Harrisburg,Pennsylvania: May 15-16, 1975, pp. 9-30.

conceptualization, the test content does not address the special needs of various culture groups. This is a dangerous definition.

A second view takes into account diverse cultures in the test content. The cultures of students in the school--as well as others--are emphasized in instructional objectives, their implementation, their evaluation, and in subsequent specification of new instructional objectives.[1] The tests used are specifically constructed for the diverse cultures comprising a given school population.

The Importance of Multi-Cultural Testing in Desegregated Schools

Desegregated schools have a special responsiblity to demonstrate to their black students, parents, and communities that they can/will maximally serve their needs. This is a hard truth which white communities, white leaders, white students, and white educators must confront with candor.

What must be continuously emphasized is that public schools belong to all the people. Again and again, schools must demonstrate their capacity to serve the needs of their diverse constituencies--and this includes black students and black communities.

Even insensitive white administrators, teachers, counselors, students, and parents must know that many black students feel unwanted in desegregated schools.

The Case against Current Standardized Tests[2] in Multi-Cultural Education

1) The United States has no national school system, no specified

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[1]James Boyer and Howard D. Hill, "Desegregating the Curriculum," Educational Leadership: 759-60, May, 1973.

[2]Ronald J. Samuda, Psychological Testing of Minorities. (New York: Dodd, Mead, and Co., 1975), pp. 4-9.

set of national educational objectives mandated for all schools. With such different schools, teachers, communities, families, and the like, it seems preposterous that anyone would feel national ability and achievement tests could be constructed equally fair and accurate for all students in all places at all given points in time.

2) There is little or no ability among school faculties, counselors, and administrators to state a commonly held view of intelligence. Yet intelligence is what most schools claim to be deeply concerned about.

3) Intelligence tests assess only a narrow range of verbal and mathematical cognition. In no way, do these tests assess the motivational status of a student.

4) Many teachers use ability and achievement tests only "because the school board said we have to use them."

5) Standardized tests have proved to be nay-sayers, doom-sayers, and negative forecasters for exceedingly large numbers of black, poor white, Chicano, native American, Puerto Rican, and Cuban students.

6) Standardized test scores have been employed to place large numbers of blacks, Chicanos, Puerto Ricans, poor whites, and native Americans in classes for the mentally retarded.

7) In 1973 Lee Conway conducted a reading improvement experiment in California with 351 fifth-grade Chicano and black children as subjects. His findings:

> Standardized group testing as presently conducted is a stressful experience for black and Chicano students.
>
> These tests fail to inform educators how to help children, but are useful in stamping

black and Chicano children as chronically inadequate.

Toward Fair and Accurate Multi-cultural Assessment

Each school system/school should develop a clear, specific, operational definition of multi-cultural education. It should prepare a definition which is consistent with the professional ideals of American democracy. It should be made clear that this definition applies to every activity conducted in every school--every class and non-class activity.

This definition should specify elements which specifically address fair and accurate assessment of black, Chicano, Puerto Rican, poor white, native American and Cuban students. The definition should take into account the known bias of standardized ability and achievement tests.

All teachers, counselors, and administrators should engage, in an indepth study of racism. Such a study should incorporate such matters as the following: the language, values, aspirations, contributions, and community life of constituent populations in the school system. Both individual and institutional racism should be carefully examined. Racism in instructional media, the naming of schools, pictures on school walls (hallways, classrooms, cafeteria, library, offices, and other places in the school), racism in school clubs, school teams, student failures, suspensions, expulsions, and other instances must be dealt with honestly and forthrightly.

Serious study of racism, individual and institutional, should lead to improved learning opportunities for all students, improved teacher performance, improved student achievement, and fair and

accurate multi-cultural assessment.

In addition to what has been stated above, every school should involve parents and students in information and participatory sessions on multicultural assessment. Few schools ever take this action. A series of short institutes, modules, conferences, or workshops should be designed to improve the knowledge and understanding of the use of standardized tests in multicultural assessment.

Classroom teachers must be taught to construct better devices for assessing student achievement. Teachers need to know how to construct a test outline, a table of test specifications, test items, and how to make use of item analysis. School systems should abandon the use of standardized achievement and ability tests and develop multicultural assessment procedures based upon their behavioral objectives for their constituencies.

Conclusion

Administrators, teachers, and counselors know how multicultural assessment can lead to total self-study by a school or lead to study of any one component of the school. It can lead to school improvement--to improvement of faculty, staff, administrators, school equipment, supplies, and facilities. Today, the schools must be held strictly accountable for student growth in the areas of their professed competence and legal responsibility. The schools must teach students, must induce student growth, indeed must guarantee it! Schools must stop blaming students for non-learning.[3]

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[3]Doxey A. Wilkerson, "Blame the Negro Child!" Freedomways, 8:340-346, Fall, 1968.

APPENDIX B

TITLE IV--Desegregation of Public Education

CIVIL RIGHTS ACT OF 1964
(P.L. 88-352)

Race Desegregation Assistance Centers are funded under the following provision:

> Sec. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

Under the final regulations the only agencies eligible for race desegregation assistance are those that are correcting conditions of racial separation that are the result of State or local law or official action. Eligibility could be established on several bases, including court or Office for Civil Rights (OCR) findings of noncompliance with Title IV of the Civil Rights Act of 1964, court findings of noncompliance with Fourteenth Amendment requirements, court findings of noncompliance with State laws prohibiting discrimination on the basis of race in education (but not merely racial imbalance), or OCR findings of noncompliance with the nondiscrimination requirements in sec 706(d)(1)(B), (C), or (D) of the Emergency School Aid Act.

Title IV of the Civil Rights Act of 1964 and Departmental Regulation (45 CFR Part 60) promulgated thereunder require that there be no discrimination on the basis of race, color, or national origin in the operation of any federally assisted program.

Generally on the foregoing, it is the policy of this department that *Title IV* prohibits any act (including but not limited to acts of omission, educational practices, social customs or habitual behavior) on the part of students, administrators, instructional and non-instructional staff or other persons, the effect of which is to segregate, exclude or otherwise discriminate against students on the basis of race, color or national origin during any phase of school operations or activities, including but not limited to:

> Any act by which students are assigned to (including acts of election by students) any class, classroom, other instructional unit, assembly, bus, team, school sponsored activity or other facility, including but not limited to the seats, lab stations, athletic positions which students occupy within the class (including field trips), classroom, assembly hall, bus, team or instructional unit.
>
> Any oral or written statement, comment, or other reference which is made during any phase of school activities by an administrator, instructional or non-instructional staff member or . . . which demeans or otherwise deprecates any racial or national origin minority group or any part of its ethno-cultural heritage or environment.
>
> Any act on the part of administrators, instructional personnel or other persons the effect of wich is to assign grades or otherwise assess performance of students on the basis of race, color or national origin, or the effect of which is to impose standards for grading or evaluating students, either subjective or objective, the effect of which standard is to discriminate against students on the basis of race, color, or national origin.

Any act related to the operation of any extra-curricular organization or activity, such as clubs, social or fraternal organizations, athletic teams, honor societies, student government organization.

Any act related to the eligibility of students for and the selection of students as cheerleaders; pom-pom girls; band members; class and student body officers, and the selection of school color, mascots, emblems and songs, including but not limited to; the selection or continued use of colors, mascots and songs related to the Confederate State of America; acts related to the posting of class pictures, awards or mementos (including those classes in schools which were operated as part of a dual school system.)

Any act related to the conduct or operation of any curricular or extracurricular dramatic or musical production or performance including but not limited to: the selection of artistic material which demeans or otherwise deprecates any racial or national origin group to which students in the school system belong or any part of its ethno-cultural heritage or environment.

APPENDIX C

NONDISCRIMINATION IN EDUCATION: A SUMMARY OF THE MAJOR FEDERAL NONDISCRIMINATION LAWS

Six federal nondiscrimination laws and a federal Executive Order constitute the major nondiscrimination provisions which apply to education programs and employers.

These include:

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act prohibits discrimination against students on the basis of race, color, or national origin in programs receiving federal funds. Title VI and related case law prohibit discrimination on the basis of race in student admissions, student access to courses and programs and student policies and their application. Discrimination against national origin minorities on the basis of limited English skills is also prohibited by Title VI case law. Any institution or agency receiving federal funds is covered including activities or programs not in direct receipt of federal funds. It was the language of Title VI which provided the model for Title IX of the Education Amendments of 1972.

Procedures for the filing of possibile complaints of racial or ethnic discrimination are provided under the legislation. Such complaints may be filed with:

* The Office of Civil Rights
  U.S. Department of Health, Education and Welfare
  Washington, D.C. 20201

or

* a regional Office for Civil Rights
  U.S. Department of Health, Education and Welfare

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972 AND THE PREGNANCY DISCRIMINATION ACT OF 1978

Title VII of the Civil Rights Act prohibits discrimination in employment on the basis of race, color, religion, national origin, or sex. All institutions

or agencies with 15 or more employees--including state and local government and labor organizations--are covered under the amended Act. Title VII prohibits discriminatory practices in all terms and conditions of employment, including:

* recruitment, selection, assignment, transfer, layoff, discharge, and recall
* opportunities for promotion
* inservice training or development opportunities
* wages and salaries
* sick leave time and pay
* vacation time and pay
* overtime work and pay
* medical, hospital, life, and accident insurance
* retirement plans and benefits
* pregnancy, childbirth, or related medical conditions
* other staff benefits

A substantial body of case law and legal precedent has been developed under Title VII; This provides many currently accepted standards for nondiscrimination in employment.

Complaints of employment practices which discriminate in violation of Title VII may be made to:

* The Equal Employment Opportunity Commission
  2401 E. Street, N.W.
  Washington, D.C. 20037

or

* a regional Office of the EEOC

In instances where state or local fair employment practices laws provide procedures for the handling of complaints of discrimination, the complaint may be referred to the state or local agency for a 60-day period of time. If the complaint is not resolved at this level, the EEOC assumes responsibility for investigation and conciliation. If this fails, the EEOC, the U.S. Attorney General, or the complainant may file suit.

THE EQUAL PAY ACT OF 1963 AS AMENDED BY THE EDUCATION AMENDMENTS OF 1972

The Equal Pay Act prohibits sex discrimination in salaries and most fringe

benefits. All employees of education institutions and agencies, including those in professional, executive, and administrative positions are covered by the Equal Pay Act.

The Act provides that a man and a woman working for the same employer under similar conditions in jobs requiring substantially equivalent skills, effort, and responsibility must be paid equally even when job titles and assignments are not identical.

Employers are required to maintain specified records relevant to the determination of possible violations of the law. Complaints may be filed with:

* The Equal Employment Opportunity Commission
  2401 E. Street, N.W.
  Washington, D.C. 20037

or

* a regional Office of the U.S. Department of Labor

The complaint process provided under the EPA is the simplest and most direct of all those mentioned in this review.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Title IX prohibits discrimination on the basis of sex against students and employees of education programs and activities receiving federal funds. The Title IX regulation prohibits sex discrimination in such areas as:

* admissions to vocational, graduate, professional, and public undergraduate schools
* student access to courses and programs
* counseling and guidance tests, materials, and practices
* physical education and athletics
* vocational education programs
* student rules and policies
* treatment of married and/or pregnant students
* financial assistance
* student housing
* extracurricular activities

The Title IX regulation also prohibits discrimination by education institutions. Title IX's coverage of employment has, however, been challenged in the courts

and several courts have ruled that employment is not covered. Although these rulings are being appealed by HEW, the Office for Civil Rights is not currently investigating complaints of employment discrimination unless they relate directly to the provision of student services. Other employment complaints are being referred by OCR to EEOC for handling under Title VII procedures. Complaints of Title IX violations may be filed with:

* The Office for Civil Rights
  U.S. Department of Health, Education, and Welfare
  Washington, D.C. 20201

or

* a regional Office for Civil Rights
  U.S. Department of Health, Education, and Welfare

TITLE VII (Section 799A) AND TITLE VIII (Section 845) OF THE PUBLIC HEALTH SERVICE ACT AS AMENDED BY THE COMPREHENSIVE HEALTH MANPOWER TRAINING ACT AND THE NURSE TRAINING AMENDMENTS ACT OF 1971

Title VII and VIII of the Public Health Services Act state that institutions receiving federal funds for their health personnel training programs may not discriminate on the basis of sex in admission or employment practices relating to employees working directly with applicants or students. Every institution receiving or benefiting from a grant, loan guarantee, or interest subsidy to its health personnel training programs or receiving a contract under Titles VII or VIII is covered.

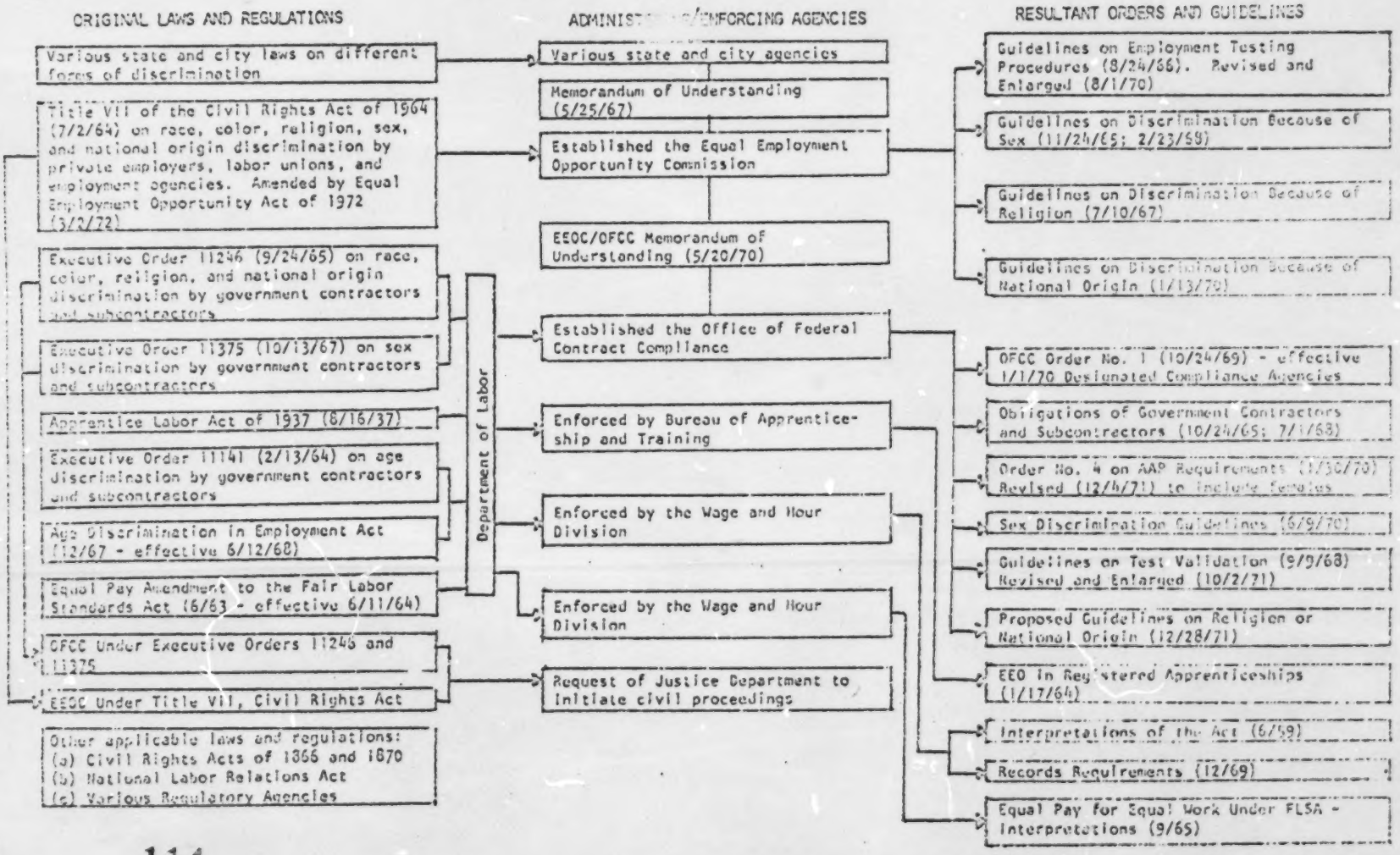
Institutions are required to maintain specified records to determine whether violations have occurred.

Procedures are provided for filing of complaints of violations of Titles VII and VIII. Complaints may be filed with:

* The Office for Civil Rights

APPENDIX D

Chart of
MAJOR EEO LAWS, REGULATIONS, AND GUIDELINES


ORIGINAL LAWS AND REGULATIONS
ADMINISTERING/ENFORCING AGENCIES
RESULTANT ORDERS AND GUIDELINES
Various state and city laws on different forms of discrimination
Various state and city agencies
Guidelines on Employment Testing Procedures (8/24/66). Revised and Enlarged (8/1/70)
Memorandum of Understanding (5/25/67)
Title VII of the Civil Rights Act of 1964 (7/2/64) on race, color, religion, sex, and national origin discrimination by private employers, labor unions, and employment agencies. Amended by Equal Employment Opportunity Act of 1972 (3/2/72)
Established the Equal Employment Opportunity Commission
Guidelines on Discrimination Because of Sex (11/24/65; 2/22/69)
Guidelines on Discrimination Because of Religion (7/10/67)
EEOC/OFCC Memorandum of Understanding (5/20/70)
Guidelines on Discrimination Because of National Origin (1/13/70)
Executive Order 11246 (9/24/65) on race, color, religion, and national origin discrimination by government contractors and subcontractors
Executive Order 11375 (10/13/67) on sex discrimination by government contractors and subcontractors
Department of Labor
Established the Office of Federal Contract Compliance
OFCC Order No. 1 (10/24/69) - effective 1/1/70 Designated Compliance Agencies
Obligations of Government Contractors and Subcontractors (10/24/65; 7/1/68)
Order No. 4 on AAP Requirements (1/30/70) Revised (12/4/71) to include females
Apprentice Labor Act of 1937 (8/16/37)
Enforced by Bureau of Apprenticeship and Training
Executive Order 11141 (2/13/64) on age discrimination by government contractors and subcontractors
Enforced by the Wage and Hour Division
Sex Discrimination Guidelines (6/9/70)
Age Discrimination in Employment Act (12/67 - effective 6/12/68)
Guidelines on Test Validation (9/9/68) Revised and Enlarged (10/2/71)
Equal Pay Amendment to the Fair Labor Standards Act (6/63 - effective 6/11/64)
Enforced by the Wage and Hour Division
Proposed Guidelines on Religion or National Origin (12/28/71)
OFCC Under Executive Orders 11246 and 11375
Request of Justice Department to initiate civil proceedings
EEO in Registered Apprenticeships (1/17/64)
EEOC Under Title VII, Civil Rights Act
Interpretations of the Act (6/69)
Records Requirements (12/69)
Other applicable laws and regulations:
(a) Civil Rights Acts of 1866 and 1870
(b) National Labor Relations Act
(c) Various Regulatory Agencies
Equal Pay for Equal Work Under FLSA - Interpretations (9/65)

APPENDIX E

STAFF AND FACULTY
AFFIRMATIVE ACTION CHART*

Date _____

Present % based on % minori in school population, and on % females in school population

Job Family	Total Employees	Total by Sex		Female Employees						Male Employees						Females		Minority	
		# Females	# Males	White	Black	Spanish Surname	Asian American	American Indian	Other	White	Black	Spanish Surname	Asian American	American Indian	Other	Present %	% of under-utilization	Present %	% of under-
Officials, Admin., Mgrs.																			
Principals																			
Assistant Principals																			
Elementary Teachers																			16
Secondary Teachers																			
Guidance																			
Media Specialists/ Audiovisual Staff																			
Consul. & Supervisors of Instruct.																			
Other Professional Staff																			
Teacher Aids																			
Technicians																			
Clerical/ Secretarial Staff																			
Service Workers																			
Skill Crafts																	118		
Laborers, Unskilled 117																			
Total																			

*Chart modified from Jefferson County, KY, Public Schools Affirmative Action Plan

APPENDIX F

DISTRICT

STUDENT LOCATION IN PROGRAM CHART

DATE _____

School Building

	Regular	EMR	SED	Scholars	Hearing I	Visual I	O.V.T.	Male	Female
Grade 1	White Black	W B	W B	W B	W B	W B	W B	W B	W B
2	W B								
3	W B								
4	W B								
5	W B								
6	W B								
7	W B								
8	W B								
9	W B								
10	W B								
11	W B								
12	W B								
TOTAL	W B	W B	W B	W B	W B	W B	W B	W B	W B

121

120

DISTRICT

STUDENT LOCATION CHART
ENROLLMENT

DATE _____

School Buildings

	Male	Female	Hispanic	Other	Categories
Grade 1 White / Black			Male / Female	M / F	
2 W / B			M / F	M / F	
3 W / B			M / F	M / F	
4 W / B			M / F	M / F	
5 W / B			M / F	M / F	
6 W / B			M / F	M / F	
7 W / B			M / F	M / F	
8 W / B			M / F	M / F	
9 W / B			M / F	M / F	
10 W / B			M / F	M / F	
11 W / B			M / F	M / F	
12 W / B			M / F	M / F	
					123
122					
Totals					

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